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10-3-2017

### State v. Ferguson Clerk's Record Dckt. 45271

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ROBERT RAY FERGUSON,

Defendant-Appellant.

Supreme Court Case No. 45271

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE MELISSA MOODY

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

## ADA COUNTY DISTRICT COURT

# CASE SUMMARY

## CASE NO. CR01-17-02856

State of Idaho  
Plaintiff,  
vs.  
Robert Ray Ferguson  
Defendant.

§  
§  
§  
§  
§  
§  
§  
§

Location: Ada County District Court  
Judicial Officer: Moody, Melissa  
Filed on: 01/30/2017  
Case Number History: PRE-FILE01-17-583  
Police Reference Number: 17-702087  
Prosecutor Control Number: 2017-0001412

## CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Boise City Police Department					
1. Battery-Aggravated	118-907	FEL	01/27/2017	Case Flags:	No Contact Order Outstanding
TCN: ID1150006820 ACN: 1					Clerk Alert
Arrest: 01/27/2017					Ada County Prosecutor
2. Enhancement-Use of a Deadly Weapon in Commission of a Felony	119-2520	FEL	01/27/2017		
TCN: ID1150006820					

## DATE

## CASE ASSIGNMENT

## Current Case Assignment

Case Number	CR01-17-02856
Court	Ada County District Court
Date Assigned	02/17/2017
Judicial Officer	Moody, Melissa







## PARTY INFORMATION

State	State of Idaho	Lead Attorneys
		Judd, Brett Best
		208-287-7700(W)
Defendant	Ferguson, Robert Ray	Bailey, Ransom Jonah
		Public Defender
		208-287-7400(W)

## DATE

## EVENTS &amp; ORDERS OF THE COURT

## INDEX











01/30/2017	Video Arraignment (1:30 PM) (Judicial Officer: Gardunia, Theresa L.)
01/30/2017	 Initiating Document - Pre-File Case
01/30/2017	 Criminal Complaint
01/30/2017	 Advisement of Rights - Felony Arraignment (Provided to Def.)
01/30/2017	 Application for Public Defender
01/30/2017	 Arr. Minutes & Hearing Notice
01/30/2017	Order Appointing Public Defender
01/30/2017	 No Contact Order
01/30/2017	Bond Set

000002

**CASE SUMMARY**

**CASE NO. CR01-17-02856**
















100,000

01/31/2017	 Motion for Bond Reduction <i>Motion for Bond Reduction</i>
01/31/2017	 Notice <i>Notice of Hearing</i>
02/01/2017	 Proof of Service <i>Notice of Hearing 2-13-17</i>
02/01/2017	 No Contact Order <i>Proof of Service-NCO</i>
02/09/2017	 Response to Request for Discovery <i>State's Preliminary Hearing Response to Request for Discovery</i>
02/09/2017	 Request for Discovery <i>State's Request for Discovery</i>
02/10/2017	 Order <i>for Medical Records</i>
02/10/2017	 Order <i>for Medical Records</i>
02/10/2017	 Order <i>for Medical Records</i>
02/13/2017	<b>Preliminary Hearing (8:30 AM) (Judicial Officer: Hawley/Harrigfeld, Judge)</b>
02/13/2017	 Court Minutes
02/13/2017	Notice of Hearing
02/17/2017	<b>Preliminary Hearing (1:30 PM) (Judicial Officer: Hawley/Harrigfeld, Judge)</b>
02/17/2017	 Amended Complaint Filed
02/17/2017	 Court Minutes
02/17/2017	 Court Minutes
02/17/2017	Notice of Hearing
02/17/2017	Bound Over (after Prelim)
02/17/2017	 Order for Commitment
02/17/2017	 Exhibit List/Log
02/21/2017	 Motion for Bond Reduction















000003



ADA COUNTY DISTRICT COURT  
**CASE SUMMARY**  
CASE NO. CR01-17-02856

02/21/2017	 Notice <i>of hearing (motion for bond reduction)</i>
02/21/2017	 Request for Discovery
02/22/2017	 Information Filed <i>info and booking photo</i>
02/24/2017	<b>Arraignment (1:30 PM)</b> (Judicial Officer: Moody, Melissa)
02/24/2017	 Court Minutes
02/24/2017	<b>Plea</b> (Judicial Officer: Moody, Melissa) 1. Battery-Aggravated Not Guilty TCN: ID1150006820 :  2. Enhancement-Use of a Deadly Weapon in Commission of a Felony Not Guilty TCN: ID1150006820 :
03/01/2017	 Scheduling Order <i>NOTICE OF JURY TRIAL AND PRE-TRIAL CONFERENCE AND LIST OF ALTERNATE JUDGES</i>
03/02/2017	 Motion for Disqualification of Judge
03/07/2017	 Order <i>Order to Disqualify - Judge D Duff McKee</i>
03/23/2017	 Motion <i>motion for prelim transcripts</i>
03/29/2017	 Order <i>for Preliminary Hearing Transcripts</i>
04/14/2017	 Notice of Preparation of Transcript
04/19/2017	 Motion <i>Motion and Memorandum in Support of Motion to Admit Evidence Under 404b</i>
04/19/2017	 Notice <i>Notice of Hearing 404b</i>
04/25/2017	 Response to Request for Discovery
04/25/2017	 Witness List
04/27/2017	 Transcript Filed

ADA COUNTY DISTRICT COURT  
**CASE SUMMARY**  
**CASE NO. CR01-17-02856**













05/03/2017	 Response to Request for Discovery <i>Addendum to Discovery Response to Court</i>
05/05/2017	<b>Hearing Scheduled (2:30 PM)</b> (Judicial Officer: Moody, Melissa)
05/05/2017	 Court Minutes
05/10/2017	 Order <i>on State's Motion to Admit Evidence Under IRE 404(b)</i>
05/16/2017	 Motion <i>Motion to File Information Part II</i>
05/16/2017	 Notice <i>Notice of Hearing on Motion to File Information Part II</i>
05/16/2017	 Information Part 2
05/17/2017	 Witness List
05/19/2017	<b>Pre-trial Conference (11:00 AM)</b> (Judicial Officer: Moody, Melissa)
05/19/2017	 Exhibit List/Log
05/19/2017	 Court Minutes
05/19/2017	 Witness List
05/19/2017	 Exhibit List/Log
05/30/2017	<b>Jury Trial (8:30 AM)</b> (Judicial Officer: Moody, Melissa) <i>3 days</i>
05/30/2017	 Exhibit List/Log <i>/State's Amended</i>
05/30/2017	 Court Minutes
05/31/2017	<b>Jury Trial (8:45 AM)</b> (Judicial Officer: Moody, Melissa)
05/31/2017	 Court Minutes
05/31/2017	<b>Disposition</b> (Judicial Officer: Moody, Melissa) 1. Battery-Aggravated Guilty (After Trial) TCN: ID1150006820 :  2. Enhancement-Use of a Deadly Weapon in Commission of a Felony Guilty (After Trial) TCN: ID1150006820 :
05/31/2017	

000005

**ADA COUNTY DISTRICT COURT**  
**CASE SUMMARY**  
**CASE No. CR01-17-02856**

	Jury Instructions Filed
05/31/2017	Verdict form
06/08/2017	Addendum to Pre-Sentence Investigation <i>Addendum PSI Documents</i>
06/14/2017	Exhibit List/Log
06/14/2017	Order <i>Transferring Exhibits ICAR 71</i>
07/07/2017	<b>Sentencing (9:00 AM) (Judicial Officer: Moody, Melissa)</b>
07/07/2017	Court Minutes
07/07/2017	Custody Order of Sheriff
07/07/2017	<b>Sentence (Judicial Officer: Moody, Melissa)</b> 2. Enhancement-Use of a Deadly Weapon in Commission of a Felony Felony Sentence Fee Totals: Court Costs - Felony - Other 245.50 State Laws Court Costs - Felony - Other 245.50 State Laws Fee Totals \$ 491.00 Confinement Type: Facility: Idaho Department of Correction Effective Date: 07/07/2017 Determinate: 5 Years Concurrent with case Concurrent with other charge - this case Pre-Sentence Credit for Time Served Credit Term: 162 Days Fee Totals: Restitution (PA) (Interest Bearing) 7,172.30 Restitution (PA) (Interest Bearing) 812.35 Fee Totals \$ 7,984.65
07/10/2017	Judgment of Conviction & Order of Commitment
07/13/2017	Order <i>for Restitution and Judgment</i>
07/13/2017	Interest Ordered on Restitution Int Start Dt: 07/13/2017
07/18/2017	Notice of Appeal
07/18/2017	Appeal Filed in Supreme Court

**CASE SUMMARY****CASE NO. CR01-17-02856**

07/20/2017	 Order <i>to Extend Deadline to Transfer Exhibits</i>
07/21/2017	 Order Appointing State Appellate Public Defender
08/25/2017	 Notice of Appeal <i>- AMENDED</i>
09/14/2017	 Motion for Reconsideration <i>of sentence</i>
09/15/2017	 Stipulation <i>To Modify Restitution</i>
09/22/2017	 Order <i>Denying Motion for Reconsideration of Sentence Pursuant to Idaho Criminal Rule 35</i>
09/25/2017	 Order <i>to Modify Restitution</i>
09/25/2017	 Order <i>Amended Order for Restitution and Judgment</i>
10/03/2017	 Notice of Appeal
10/03/2017	Appeal Filed in Supreme Court
10/10/2017	 Motion for Appointment of Public Defender <i>State Appellate</i>
10/12/2017	 Order <i>Appointing SAPD</i>
11/15/2017	 Notice <i>of Transcript of 364 Pages Lodged - Supreme Court No. 45271</i>
DATE	FINANCIAL INFORMATION

**Defendant** Ferguson, Robert Ray  
**Total Charges**  
**Total Payments and Credits**  
**Balance Due as of 11/16/2017**

7,761.78  
30.00  
**7,731.78**

000007

JAN 30 2017

CHRISTOPHER D. RICH, Clerk  
By STORMY McCORMACK  
DEPUTY

DR#: 17-702087  
Control #: 2017-0001412

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Jill Longhurst**  
Deputy Prosecuting Attorney  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17- 2856

**COMPLAINT**

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

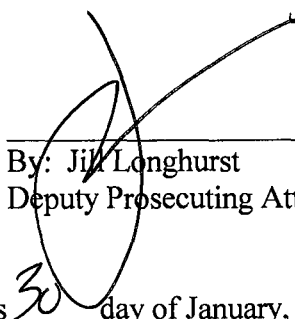
**PERSONALLY APPEARED BEFORE** me this 30 day of January, 2017, Jill Longhurst, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says that: ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did commit the crime of: AGGRAVATED BATTERY, FELONY, I.C. §18-903(a), 18-907(b) as follows:

That the Defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did willfully and unlawfully use force or violence upon the person of Danielle Washburn, by means of a deadly weapon or instrument, to-wit: by placing a metal wire around Danielle Washburns throat and strangling Danielle Washburn.

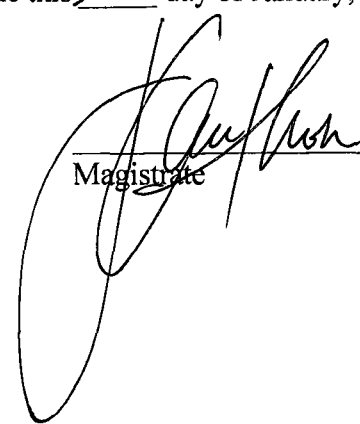
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant(s), and that ROBERT RAY FERGUSON may be dealt with according to law.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

By:   
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 30 day of January, 2017.

  
Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
**VIDEO ARRAIGNMENT MINUTES**

State of Idaho vs. Robert Ray Ferguson

Case No. CR01-17-02856

JUDGE: Gardunia

CLERK: SB

DATE: 1/30/2017

INTERPRETER: \_\_\_\_\_

HEARING TYPE: Video Arraignment

Parties:

State of Idaho

Robert Ray Ferguson

DOB [REDACTED]

Attorney:

Attorney:

Clinger  
Salzman

Count 1 Charge Description  
Battery-Aggravated

Charge Code  
118-907

Case Called: 315

Defendant: ☒ Present ☐ Not Present ☒ In Custody

☒ PD Appointed ☐ PD Denied ☐ Waived Attorney ☒ Advised of Rights ☐ Rights Waived

☒ Defendant Advised of Charges ☐ Defendant Advised of Subsequent Penalties

☐ Not Guilty Plea ☐ Guilty Plea/Admit ☒ No Contact Order Issued ☐ Pre-Trial Release Order

☒ Bond 100,000

☒ Prelim on 2-13-17 at 8:30 am/pm w/ Judge Hawley Irby

☒ Contact the Ada County Public Defender, 200 W. Front St., Rm. 1107, Boise, ID 83702, telephone (208) 287-7400.

☐ Release Defendant, This Case Only

**You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest, or default judgment may be entered if you are charged with an infraction.**  
**ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702**

I hereby certify that copies of this notice were served as follows:

Defendant	Hand Delivered <input type="checkbox"/>	Via Counsel <input type="checkbox"/>
Defense Atty	Hand Delivered <input type="checkbox"/>	Intdept Mail <input checked="" type="checkbox"/>
Prosecutor	Hand Delivered <input type="checkbox"/>	Intdept Mail <input checked="" type="checkbox"/>

Signature: \_\_\_\_\_

CHRISTOPHER D. RICH, Clerk of the District Court

By: [Signature]  
Deputy Clerk

DATED: \_\_\_\_\_ Signed: 1/31/2017 12:54 PM

CR01-17-02856  
ARMN  
Arr. Minutes & Hearing Notice  
230889



VIDEO ARRAIGNMENT MINUTES

000010

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
**VIDEO ARRAIGNMENT MINUTES**

State of Idaho vs. Robert Ray Ferguson

Case No. CR01-17-02856

JUDGE: Gardunia

DATE: 1/30/2017

CLERK: SB

INTERPRETER: \_\_\_\_\_

HEARING TYPE: Video Arraignment

Parties:

State of Idaho

Attorney: Clinger

Robert Ray Ferguson

Attorney: Salzman

DOB: [REDACTED]

Count Charge Description  
1 Battery-Aggravated

Charge Code  
118-907

Case Called: 315

Defendant: ☒ Present ☐ Not Present ☒ In Custody

☒ PD Appointed ☐ PD Denied ☐ Waived Attorney ☒ Advised of Rights ☐ Rights Waived

☒ Defendant Advised of Charges ☐ Defendant Advised of Subsequent Penalties

☐ Not Guilty Plea ☐ Guilty Plea/Admit ☒ No Contact Order Issued ☐ Pre-Trial Release Order

☒ Bond 100,000

☒ Prelim on 2-13-17 at 8:30 am/pm w/ Judge Hawley Irby

☒ Contact the Ada County Public Defender, 200 W. Front St., Rm. 1107, Boise, ID 83702, telephone (208) 287-7400.

☐ Release Defendant, This Case Only

**You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest, or default judgment may be entered if you are charged with an infraction.**

**ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702**

I hereby certify that copies of this notice were served as follows:

Defendant Hand Delivered ☒ Via Counsel ☐

Defense Atty Hand Delivered ☐ Intdept Mail ☐

Prosecutor Hand Delivered ☐ Intdept Mail ☐

Signature: Christopher D. Rich

CHRISTOPHER D. RICH, Clerk of the District Court

By: \_\_\_\_\_

DATED: \_\_\_\_\_

Deputy Clerk

CR01-17-02856

ARMN

Arr. Minutes & Hearing Notice

230889



VIDEO ARRAIGNMENT MINUTES

1

000011



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED  
P.M. 3:00

STATE OF IDAHO,

Plaintiff,

vs.

Robert Ferguson

Defendant.

DOB 8/16/64

SSN [REDACTED]

) Case No. CR01172857

) DR # 17-702087

) Law Enforcement Agency BPD

) Expires at 11:59 P.M. on 01/30/17  
) or upon dismissal of this case.

) NO CONTACT ORDER ☐ AMENDED

JAN 30 2017

CHRISTOPHER D. RICH, Clerk  
By SHERRI BOUCHER  
DEPUTY

The Court finds that a no contact order is appropriate in this case, therefore, it is hereby ordered that you, the above-named Defendant, shall not engage in any of the following conduct with regard to the person(s) listed below. You shall not contact or attempt to contact (including in person or through another person, or in writing or email, or by telephone, pager, or facsimile) the person(s) named below in any manner. Prohibited contact includes that you shall not harass, stalk, threaten, engage in any other conduct that would place the person(s) named below in reasonable fear of bodily injury, knowingly follow and knowingly remain within 100 feet of the following person(s):

Danette Washburn

Exceptions are as follows:

- ☒ no exceptions  
☐ to contact by telephone between \_\_\_\_\_ .M. and \_\_\_\_\_ .M. on \_\_\_\_\_  
for the following purposes: \_\_\_\_\_  
☐ to participate in counseling/mediation  
☐ to provide for the exchange of children between the parties through: \_\_\_\_\_  
☐ to retrieve personal necessities from the residence/protected address one time through: \_\_\_\_\_  
☐ to meet with or through attorneys and/or during legal proceedings  
☐ to respond to emergencies involving the parties' natural or adopted children  
☐ other: \_\_\_\_\_

It is further ordered that you shall not go within 900 feet (300 yards) of the following address(es):

Residence Address

Work Address

Defendant appeared or had actual notice of this hearing and had the opportunity to participate, present evidence, and make argument against the entry of this order. ☐ YES / ☐ NO

A violation of this order is a separate crime under Idaho Code § 18-920, for which no bail will be set until you appear before a judge. The maximum penalty for a violation of this order is one year in jail and/or up to a \$1000 fine. However, if the violation is a third offense, the violation is a felony, which is punishable by imprisonment in the state prison for up to five years and/or up to a \$5000 fine.

Only a judge can modify this order. If more than one protection order/no contact order is in place, the most restrictive prohibition controls, whether in a civil or criminal case.

You may be subject to federal prosecution if you possess, receive, or transport a firearm or ammunition while a no contact order is in place. 18 U.S.C. § 922.

Defendant \_\_\_\_\_ Date \_\_\_\_\_

Judge \_\_\_\_\_

Date 01/30/17

Served by: \_\_\_\_\_

Law Enforcement Identification Number: \_\_\_\_\_

Date served: \_\_\_\_\_

CR01-17-02856  
NCO  
No Contact Order  
230892



NO CONTACT ORDER ☐ FILE ☐ ACSO ☐ PROSECUTOR ☐ DEFENSE ATTORNEY

000012

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED  
P.M. 3:00

STATE OF IDAHO,

vs.

Plaintiff,

Robert Ferguson

Defendant.

DOB 8/16/64 SSN [REDACTED]

) Case No. CE01172857 JAN 30 2017  
) DR # 17-22087  
) Law Enforcement Agency BPD CHRISTOPHER D. RICH, Clerk  
) By SHERRI BOUCHER  
) Expires at 11:59 P.M. on 01/30/17  
) or upon dismissal of this case.  
) NO CONTACT ORDER ☐ AMENDED

The Court finds that a no contact order is appropriate in this case, therefore, it is hereby ordered that you, the above-named Defendant, shall not engage in any of the following conduct with regard to the person(s) listed below. You shall not contact or attempt to contact (including in person or through another person, or in writing or email, or by telephone, pager, or facsimile) the person(s) named below in any manner. Prohibited contact includes that you shall not harass, stalk, threaten, engage in any other conduct that would place the person(s) named below in reasonable fear of bodily injury, knowingly follow and knowingly remain within 100 feet of the following person(s):

Danielle Washburn Exceptions are as follows:

- ☒ no exceptions  
☐ to contact by telephone between \_\_\_\_\_ .M. and \_\_\_\_\_ .M. on \_\_\_\_\_  
for the following purposes: \_\_\_\_\_  
☐ to participate in counseling/mediation  
☐ to provide for the exchange of children between the parties through: \_\_\_\_\_  
☐ to retrieve personal necessities from the residence/protected address one time through: \_\_\_\_\_  
☐ to meet with or through attorneys and/or during legal proceedings  
☐ to respond to emergencies involving the parties' natural or adopted children  
☐ other: \_\_\_\_\_

It is further ordered that you shall not go within 900 feet (300 yards) of the following address(es):

\_\_\_\_\_  
Residence Address Work Address

Defendant appeared or had actual notice of this hearing and had the opportunity to participate, present evidence, and make argument against the entry of this order. ☐ YES / ☐ NO

A violation of this order is a separate crime under Idaho Code § 18-920, for which no bail will be set until you appear before a judge. The maximum penalty for a violation of this order is one year in jail and/or up to a \$1000 fine. However, if the violation is a third offense, the violation is a felony, which is punishable by imprisonment in the state prison for up to five years and/or up to a \$5000 fine.

Only a judge can modify this order. If more than one protection order/no contact order is in place, the most restrictive prohibition controls, whether in a civil or criminal case.

You may be subject to federal prosecution if you possess, receive, or transport a firearm or ammunition while a no contact order is in place. 18 U.S.C. § 922.

Defendant \_\_\_\_\_ Date \_\_\_\_\_

Judge [Signature] Date 01/30/17

Served by: [Signature]

Law Enforcement Identification Number: 5555

Date served: 1-30-17, @ 1523 hours

CR01-17-02856  
NCO  
No Contact Order  
230892



NO CONTACT ORDER ☐ FILE ☐ ACSO ☐ PROSECUTOR ☐ DEFENSE ATTORNEY

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

ABRAHAM E. WINGROVE, ISB #8748  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

MOTION FOR BOND REDUCTION

COMES NOW, Robert Ray Ferguson, the above-named defendant, by and through counsel, Abraham E. Wingrove, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that Defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that Defendant has thereby been effectively denied his right to bail.

DATED January 31, 2017.

ANTHONY R. GEDDES  
Chief Public Defender



For Abraham E. Wingrove  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on January 31, 2017, I electronically served a true and correct copy of the within instrument to the Ada County Prosecutor via the iCourt Portal.

  
Irene Barrios

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

ABRAHAM E. WINGROVE, ISB #8748  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

NOTICE OF HEARING  
(MOTION FOR BOND REDUCTION)

TO: THE STATE OF IDAHO, Plaintiff, and to the Ada County Prosecutor:

YOU, AND EACH OF YOU, are hereby notified that Defendant will call on for hearing Motion for Bond Reduction, which is now on file with the Court. Said hearing shall take place at **8:30 a.m. on February 13, 2017**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED January 31, 2017.

ANTHONY R. GEDDES  
Chief Public Defender



For Abraham E. Wingrove  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on January 31, 2017, I electronically served a true and correct copy of the within instrument to the Ada County Prosecutor via the iCourt Portal.



Irene Barrios

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702-5954  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-02856</b>
	)	
vs.	)	
	)	<b>PRELIMINARY HEARING</b>
ROBERT RAY FERGUSON,	)	<b>RESPONSE TO REQUEST FOR</b>
	)	<b>DISCOVERY AND OBJECTIONS</b>
Defendant.	)	
_____	)	

**COMES NOW**, David M. Hunt, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

**I. DISCLOSURES**

**16-A Brady-Agurs Disclosure:** The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an

open file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

**16-B Stipulation - Request Disclosure:**

**1. Statement of Defendant:** The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

**Be advised:** As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

**2. Statement of Co-Defendant:** See disclosed police reports for statements of Co-Defendant, if any exists.

**3. Defendant's Prior Record:** The Defendant's prior record disclosed in the following:

- a. NCIC report

**4A. Documents and Tangible Objects:** Police Reports, Witness Statements, Medical Records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 1 through 42, including an NCIC consisting of 22 pages. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

The State is providing audio and/or video recordings. The State is providing unredacted digital media for your use pursuant to Idaho Criminal Rule 16(b)(9). The digital media being disclosed contains:

☐ **No Protected Information and is marked “Unredacted and Not Confidential.”** Which you may share with your client.

☒ **Protected Information and is marked “Confidential and Unredacted.”** The unredacted digital media has been disclosed to expedite a resolution. Rule 16 provides that unredacted digital media, so disclosed, may not be shared with the defendant absent consent by the State. If you wish to permit the defendant to view the unredacted digital media, marked “Confidential and Unredacted,” please contact the handling attorney to request consent. If you wish to have a redacted copy of the media, please contact the handling attorney, as well.

☐ **No media available at this time.**

The State is providing certain documents, photographs and other items in electronic format, on the attached discs. A redacted copy of these documents has been provided and is clearly marked. If you wish to print the **unredacted copy**, which is on the disc marked, “**Confidential and Unredacted**,” you must do so on **colored paper**, per Idaho Criminal Rule 16(d)(4). Unredacted discovery is not to be disclosed to the defendant or to the defendant’s family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

**B. Photographs:** The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

#### **5. Reports of Examinations and Tests:**

☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☐ These documents are specifically identified in subsection 4A above.

**6. Witnesses:** A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

**7. Expert Witnesses:** The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

- ☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☐ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

**8. Police Reports:** The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

## **II. OBJECTIONS**

A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.




☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.

☐ Other

**RESPECTFULLY SUBMITTED** this 9 day of February, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: David M. Hunt  
Deputy Prosecuting Attorney

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 9 day of February, 2017, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

**Abraham Wingrove, 200 W Front Street Rm 1107 Boise ID 83702**

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_
- ☒ By iCourt eFile & Serve

  
\_\_\_\_\_

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, ID 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-02856</b>
	)	
vs.	)	<b>REQUEST FOR DISCOVERY</b>
	)	
ROBERT RAY FERGUSON,	)	
	)	
Defendant.	)	
_____	)	

**TO THE ABOVE NAMED DEFENDANT:**

**PLEASE TAKE NOTICE** that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

**DATED** this the 9 day of February, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney



---

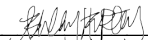
By: David M. Hunt  
Deputy Prosecuting Attorney

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 9 day of February, 2017, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

**Abraham Wingrove, 200 W Front Street Rm 1107 Boise ID 83702**

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_
- ☒ By iCourt eFile and Serve.

  
\_\_\_\_\_  
Legal Assistant

FEB 10 2017

CHRISTOPHER D. RICH, Clerk  
By INGA JOHNSON  
DEPUTY

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, ID 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	<b>Case No. CR01-17-02856</b>
Plaintiff,	)	
	)	<b>ORDER FOR DELIVERY OF</b>
vs.	)	<b>MEDICAL RECORDS TO THE ADA</b>
	)	<b>COUNTY PROSECUTING</b>
ROBERT RAY FERGUSON,	)	<b>ATTORNEY'S OFFICE AND ORDER</b>
	)	<b>PROHIBITING DISSEMINATION</b>
Defendant.	)	
_____	)	

**I. ORDER FOR DELIVERY OF MEDICAL RECORDS**

This Court, upon request from the Ada County Prosecuting Attorney's Office wherein certain medical records described herein are necessary for the thorough and objective evaluation, preparation and presentation of the prosecution's case in the above-entitled matter, and the Court concluding that, upon further information, the medical records do appear to be relevant and necessary to the proper adjudication of this case does hereby order the delivery of medical records pertaining to the above-entitled case pursuant to the Health Insurance Portability and Accountability Act, I.C. § 19-3004 and I.C.R. 17.

This Court hereby orders employees or representatives of Boise Fire Department to produce all personal health information and any and all records in its custody, including but not limited to any and all medical records, photographs, including eye photographs or scans, charts,

x-rays, lab reports, skeletal, CT scans and/or MRIs, other imaging and billing statements in its custody pertaining to D.N.W., xx/xx/1989 treated or otherwise seen at Boise Fire Department 01/27/2017 to the Ada County Prosecuting Attorney's Office in response to this Order. The records may be generally provided in the manner set out in Idaho Code §9-420, <sup>by delivering</sup> ~~except that the~~ said records ~~are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement~~ within five business days of receipt of this Order, ~~rather than be delivered to the Court.~~ <sup>to the presiding judge.</sup> SJA

This Order is also specifically intended to permit, but not require, employees or representatives of Boise Fire Department to make available to the prosecution or criminal defense, by interview or upon request, personal health information in addition to the above-described written medical records, including information known to employees or representatives of Boise Fire Department about the case for which the written medical records are provided, and that those employees or representatives of Boise Fire Department be permitted to testify if required.

## **II. ORDER PROHIBITING REDISTRIBUTION OF MEDICAL RECORDS**

Given the confidential and sensitive nature of this information as described above, and to protect the privacy interests of the patient(s) involved, it is appropriate for this Court to preclude unauthorized copying, duplicating, dissemination or redistribution of this medical information.

### **IT IS HEREBY ORDERED as follows:**

The State is entitled to provide these medical records and materials to the defense pursuant to I.C.R. 16. Upon receiving these records in the above-entitled case through the discovery process, defense counsel and the defendant must comply with I.C.R. 16(d). Further, defense counsel, the defendant, the State and the agents of both parties to include but not limited to experts, investigators and others who are connected with the preparation of this case, are prohibited from copying, duplicating, disseminating, publishing or otherwise redistributing any of the above-referenced medical records, medical information and materials to anyone not associated with the State or defense in preparation for the litigation of this case without further order of this Court. Defense counsel, the defendant and the State may only provide these materials to those respective agents of the defense and the State, including but not limited to experts, investigators and others who are connected with the preparation of this case. The defense and the State must notify its respective agents of this order and take reasonable steps to

ensure compliance with this order. The parties are entitled to provide these medical records, medical information and materials to the presentence investigator should that be appropriate at a later date.

This Court has further determined that there is good cause for the production of alcohol and drug abuse records pertaining to D.N.W., xx/xx/1989 hereby specifically orders that the above-referenced personal health information and records to be produced to the Ada County Prosecuting Attorney's Office pertaining to shall include any and all information and records concerning the diagnosis and/or treatment of alcohol and drug abuse.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

**DATED** 2-10-17.

  
\_\_\_\_\_  
Judge

FEB 10 2017

CHRISTOPHER B. RICH, Clerk  
By INDA JOHNSON  
DEPUTY

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, ID 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	<b>Case No. CR01-17-02856</b>
Plaintiff,	)	
	)	<b>ORDER FOR DELIVERY OF</b>
vs.	)	<b>MEDICAL RECORDS TO THE ADA</b>
	)	<b>COUNTY PROSECUTING</b>
ROBERT RAY FERGUSON,	)	<b>ATTORNEY'S OFFICE AND ORDER</b>
	)	<b>PROHIBITING DISSEMINATION</b>
Defendant.	)	
_____	)	

**I. ORDER FOR DELIVERY OF MEDICAL RECORDS**

This Court, upon request from the Ada County Prosecuting Attorney's Office wherein certain medical records described herein are necessary for the thorough and objective evaluation, preparation and presentation of the prosecution's case in the above-entitled matter, and the Court concluding that, upon further information, the medical records do appear to be relevant and necessary to the proper adjudication of this case does hereby order the delivery of medical records pertaining to the above-entitled case pursuant to the Health Insurance Portability and Accountability Act, I.C. § 19-3004 and I.C.R. 17.

This Court hereby orders employees or representatives of Ada County Paramedics to produce all personal health information and any and all records in its custody, including but not limited to any and all medical records, photographs, including eye photographs or scans, charts,



x-rays, lab reports, skeletal, CT scans and/or MRIs, other imaging and billing statements in its custody pertaining to D.N.W., xx/xx/1989 treated or otherwise seen at Ada County Paramedics 01/27/2017 to the Ada County Prosecuting Attorney's Office in response to this Order. The records may be generally provided in the manner set out in Idaho Code §9-420, <sup>by delivering</sup> ~~except that the~~ said records ~~are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement~~ within five business days of receipt of this Order, ~~rather~~ <sup>than be delivered to the Court.</sup> *the records to the presiding judge* SJF

This Order is also specifically intended to permit, but not require, employees or representatives of Ada County Paramedics to make available to the prosecution or criminal defense, by interview or upon request, personal health information in addition to the above-described written medical records, including information known to employees or representatives of Ada County Paramedics about the case for which the written medical records are provided, and that those employees or representatives of Ada County Paramedics be permitted to testify if required.

## **II. ORDER PROHIBITING REDISTRIBUTION OF MEDICAL RECORDS**

Given the confidential and sensitive nature of this information as described above, and to protect the privacy interests of the patient(s) involved, it is appropriate for this Court to preclude unauthorized copying, duplicating, dissemination or redistribution of this medical information.

### **IT IS HEREBY ORDERED as follows:**

The State is entitled to provide these medical records and materials to the defense pursuant to I.C.R. 16. Upon receiving these records in the above-entitled case through the discovery process, defense counsel and the defendant must comply with I.C.R. 16(d). Further, defense counsel, the defendant, the State and the agents of both parties to include but not limited to experts, investigators and others who are connected with the preparation of this case, are prohibited from copying, duplicating, disseminating, publishing or otherwise redistributing any of the above-referenced medical records, medical information and materials to anyone not associated with the State or defense in preparation for the litigation of this case without further order of this Court. Defense counsel, the defendant and the State may only provide these materials to those respective agents of the defense and the State, including but not limited to experts, investigators and others who are connected with the preparation of this case. The defense and the State must notify its respective agents of this order and take reasonable steps to

ensure compliance with this order. The parties are entitled to provide these medical records, medical information and materials to the presentence investigator should that be appropriate at a later date.

This Court has further determined that there is good cause for the production of alcohol and drug abuse records pertaining to D.N.W., xx/xx/1989 hereby specifically orders that the above-referenced personal health information and records to be produced to the Ada County Prosecuting Attorney's Office pertaining to shall include any and all information and records concerning the diagnosis and/or treatment of alcohol and drug abuse.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

**DATED** 2-10-17.



Judge

NO. \_\_\_\_\_  
A.M. 11:35 FILED P.M. \_\_\_\_\_

FEB 10 2017

CHRISTOPHER D. RICH, Clerk  
BY INGA JOHNSON  
DEPUTY

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, ID 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	<b>Case No. CR01-17-02856</b>
Plaintiff,	)	
	)	<b>ORDER FOR DELIVERY OF</b>
vs.	)	<b>MEDICAL RECORDS TO THE ADA</b>
	)	<b>COUNTY PROSECUTING</b>
ROBERT RAY FERGUSON,	)	<b>ATTORNEY'S OFFICE AND ORDER</b>
	)	<b>PROHIBITING DISSEMINATION</b>
Defendant.	)	
_____	)	

**I. ORDER FOR DELIVERY OF MEDICAL RECORDS**

This Court, upon request from the Ada County Prosecuting Attorney's Office wherein certain medical records described herein are necessary for the thorough and objective evaluation, preparation and presentation of the prosecution's case in the above-entitled matter, and the Court concluding that, upon further information, the medical records do appear to be relevant and necessary to the proper adjudication of this case does hereby order the delivery of medical records pertaining to the above-entitled case pursuant to the Health Insurance Portability and Accountability Act, I.C. § 19-3004 and I.C.R. 17.

This Court hereby orders employees or representatives of St. Luke's Hospital to produce all personal health information and any and all records in its custody, including but not limited to any and all medical records, photographs, including eye photographs or scans, charts, x-rays, lab

reports, skeletal, CT scans and/or MRIs, other imaging and billing statements in its custody pertaining to D.N.W., xx/xx/1989 treated or otherwise seen at St. Luke's Hospital 01/27/2017 to the Ada County Prosecuting Attorney's Office in response to this Order. The records may be generally provided in the manner set out in Idaho Code §9-420, ~~except that the said records are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement within five business days of receipt of this Order, rather than be delivered to the Court.~~ *by delivery* *Sif* *Presiding Judge.*

This Order is also specifically intended to permit, but not require, employees or representatives of St. Luke's Hospital to make available to the prosecution or criminal defense, by interview or upon request, personal health information in addition to the above-described written medical records, including information known to employees or representatives of St. Luke's Hospital about the case for which the written medical records are provided, and that those employees or representatives of St. Luke's Hospital be permitted to testify if required.

## **II. ORDER PROHIBITING REDISTRIBUTION OF MEDICAL RECORDS**

Given the confidential and sensitive nature of this information as described above, and to protect the privacy interests of the patient(s) involved, it is appropriate for this Court to preclude unauthorized copying, duplicating, dissemination or redistribution of this medical information.

### **IT IS HEREBY ORDERED as follows:**

The State is entitled to provide these medical records and materials to the defense pursuant to I.C.R. 16. Upon receiving these records in the above-entitled case through the discovery process, defense counsel and the defendant must comply with I.C.R. 16(d). Further, defense counsel, the defendant, the State and the agents of both parties to include but not limited to experts, investigators and others who are connected with the preparation of this case, are prohibited from copying, duplicating, disseminating, publishing or otherwise redistributing any of the above-referenced medical records, medical information and materials to anyone not associated with the State or defense in preparation for the litigation of this case without further order of this Court. Defense counsel, the defendant and the State may only provide these materials to those respective agents of the defense and the State, including but not limited to experts, investigators and others who are connected with the preparation of this case. The defense and the State must notify its respective agents of this order and take reasonable steps to ensure compliance with this order. The parties are entitled to provide these medical records,

medical information and materials to the presentence investigator should that be appropriate at a later date.

This Court has further determined that there is good cause for the production of alcohol and drug abuse records pertaining to D.N.W., xx/xx/1989 hereby specifically orders that the above-referenced personal health information and records to be produced to the Ada County Prosecuting Attorney's Office pertaining to shall include any and all information and records concerning the diagnosis and/or treatment of alcohol and drug abuse.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

**DATED** 2-10-17.

  
Judge



FILED 2/13/17 AT 1:41p M.  
CHRISTOPHER D. RICH,  
CLERK OF THE DISTRICT COURT  
BY [Signature]  
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

**PRELIMINARY HEARING NOTICE / MINUTE SHEET**

STATE OF IDAHO,

Plaintiff,

vs.

Robert R. Ferguson  
Defendant.

Case Number: CR01-17-02856

Judge: Hawley

Case Called: 13826 ☐ In Chambers

☒ Ada ☐ Special Hunt

☒ PD ☐ PD Appointed /Private Wingrove

☐ Interpreter [Signature]

Defendant: ☒ Present ☐ Not Present ☒ In Custody Bond \$ 100,000 B/F \_\_\_\_\_ B/W \_\_\_\_\_

☐ Posted Bond \$ \_\_\_\_\_ ☐ PTRO ☒ NCO ☐ Advised of Rights ☐ Waive Rights ☐ Waive Time

☐ Motion/Stipulation for: ☐ Bond Reduction ☐ Amended NCO Denied /Granted \_\_\_\_\_

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☐ Rule11 Plea Agreement w/ DVC Offer Sheet ☐ Guilty Plea(s) Entered \_\_\_\_\_ Accepted \_\_\_\_\_

☒ State ☐ Defense ☐ Mutual -- Request for Continuance No Witness ☐ Objection ☒ No Objection

☒ Case continued to 2-17-17 at 8:30 am/pm for PH

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ am/pm

☐ Order for §18-211 Evaluation, requested by: ☐ Prosecutor ☐ Defense ☐ Order §18-212 Commitment

☐ Case Dismissed by Court after Hearing / On State's Motion ☐ Release Defendant, This Case Only

☐ Consolidated w/ \_\_\_\_\_

**ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702**

**You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.**

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel

Defense Atty: ☐ Hand Delivered ☐ Intdept Mail

Prosecutor: ☒ Hand Delivered ☐ Intdept Mail

Signature: [Signature]

By: [Signature]  
Deputy Clerk

DATED 2/13/17



FEB 17 2017

CHRISTOPHER D. RICH, Clerk  
By MANDI WIENSZ  
DEPUTY

DR#: 17-702087  
Control #: 2017-0001412

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	<b>Case No. CR01-17-2856</b>
vs.	)	
	)	<b>A M E N D E D</b>
ROBERT RAY FERGUSON,	)	<b>C O M P L A I N T</b>
	)	
Defendant.	)	<b>Defendant's DOB:</b> [REDACTED]
	)	<b>Defendant's SSN:</b> [REDACTED]

**PERSONALLY APPEARED BEFORE** me this 17 day of February 2017, David M. Hunt, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says that: ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did commit the crimes of: I. AGGRAVATED BATTERY, FELONY, I.C. §18-903(a), 18-907(b) and II. USE OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. §19-2520, as follows:

COUNT I

That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did willfully and unlawfully use force or violence upon the person of Danielle Washburn, by means of a deadly weapon or instrument, to-wit: by placing a metal wire around Danielle Washburn's throat and strangling Danielle Washburn.

COUNT II

That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did display and/or use a deadly weapon, to-wit: a metal wire in the commission of the crime alleged in Count I.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

**JAN M. BENNETTS**

Ada County Prosecuting Attorney



By: David M. Hunt

Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 17 day of February 2017.

  
Magistrate





FILED 2/17/17 AT 1:41 .M.  
CHRISTOPHER D. RICH,  
CLERK OF THE DISTRICT COURT  
BY MW Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

**PRELIMINARY HEARING NOTICE / MINUTE SHEET**

STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Robert R. Ferguson )  
Defendant. )  
 )

Case Number: CR 01-17-02856  
Judge: Holloway FOR Hawley  
Case Called: 6/4/30 ☐ In Chambers  
☒ Ada ☐ Special D. Hunt  
☒ PD ☐ PD Appointed /Private A. Wingrove  
☐ Interpreter

Defendant: ☒ Present ☐ Not Present ☒ In Custody Bond \$ 100,000 B/F \_\_\_\_\_ B/W \_\_\_\_\_  
☐ Posted Bond \$ \_\_\_\_\_ ☐ PTRO ☐ NCO ☐ Advised of Rights ☐ Waive Rights ☐ Waive Time  
☐ Motion/Stipulation for: ☐ Bond Reduction ☐ Amended NCO Denied /Granted \_\_\_\_\_  
☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived  
☐ Rule11 Plea Agreement w/ DVC Offer Sheet ☐ Guilty Plea(s) Entered \_\_\_\_\_ Accepted \_\_\_\_\_  
☐ State ☐ Defense ☐ Mutual -- Request for Continuance \_\_\_\_\_ ☐ Objection ☐ No Objection  
☐ Case continued to \_\_\_\_\_ at \_\_\_\_\_ am/pm for \_\_\_\_\_  
☐ Defendant Waives Preliminary Hearing ☒ Hearing Held ☒ Commitment Signed  
☒ Case Bound Over to Judge Moody on 2/24/17 at 1:30 am/pm  
☐ Order for §18-211 Evaluation, requested by: ☐ Prosecutor ☐ Defense ☐ Order §18-212 Commitment  
☐ Case Dismissed by Court after Hearing / On State's Motion ☐ Release Defendant, This Case Only

☐ Consolidated w/ \_\_\_\_\_

**ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702**

**You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.**

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel Signature \_\_\_\_\_  
Defense Atty: ☐ Hand Delivered ☐ Intdept Mail \_\_\_\_\_  
Prosecutor: ☒ Hand Delivered ☐ Intdept Mail \_\_\_\_\_

By: MW  
Deputy Clerk

DATED 2/17/17

Time	Speaker	Note
01:41:15 PM	Case Called	Robert Ferguson CR01-17-02856
01:41:28 PM	State's Attorney	Hunt
01:41:30 PM	Defense Attorney	Wingrove
01:41:44 PM	State's Attorney	Motion to File Amended Complaint
01:42:08 PM	Defense Attorney	No Objection/Waive Reading of Complaint
01:42:17 PM	State's Attorney	Calls SW #1 Danielle Washburn/Sworn
01:43:04 PM	State's Attorney	DX SW #1
01:46:11 PM	State's Attorney	Moves to Admit SE #1
01:47:25 PM	State's Attorney	So orders SE #1 Admitted
01:50:11 PM	State's Attorney	Moves to Admit SE #2
01:50:45 PM	Defense Attorney	No Objection for this hearing
01:50:50 PM	State's Attorney	So orders SE #2 Admitted
01:50:52 PM	Defense Attorney	CX SW #1
01:58:19 PM	Defense Attorney	Nothing further witness steps down/Excused
01:58:26 PM	State's Attorney	Calls SW #2 Julie Snow/Sworn
01:59:25 PM	State's Attorney	DX SW #2
02:01:42 PM	Defense Attorney	CX SW #2
02:03:08 PM	State's Attorney	Objection
02:03:17 PM	Judge	Overruled
02:05:19 PM	State's Attorney	Objection/Hearsay
02:05:33 PM	Defense Attorney	clarification
02:05:45 PM	Judge	Overruled
02:06:25 PM	Defense Attorney	Nothing further witness steps down/Excused
02:06:31 PM	State's Attorney	rests



<u>02:06:47 PM</u>	State's Attorney	Submit closing argument on evidence presented/reserve rebuttal
<u>02:06:49 PM</u>	Defense Attorney	Submit closing argument on evidence presented/reserve rebuttal
<u>02:06:56 PM</u>	Judge	CT finds that the State has proved there is enough evidence to provide probable cause to sign Commitment and bind case over to District Court with Judge Moody on 2/24/17 @ 1:30pm for AR and further proceedings
<u>02:09:44 PM</u>	Case End	



FEB 17 2017

CHRISTOPHER D. RICH, Clerk  
By MANDI WIENSZ  
DEPUTY

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**David M. Hunt**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Phone: 287-7700  
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-02856</b>
	)	
vs.	)	<b>COMMITMENT</b>
	)	
ROBERT RAY FERGUSON,	)	<b>Defendant's DOB:</b> [REDACTED]
	)	<b>Defendant's SSN:</b> [REDACTED]
Defendant.	)	
_____	)	

**THE ABOVE-NAMED DEFENDANT**, ROBERT RAY FERGUSON, having been brought before this Court for a Preliminary Examination on the 17 day of Feb., 2017, on a charge that the defendant on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did commit the crimes of: I. AGGRAVATED BATTERY, FELONY, I.C. §18-903(a), 18-907(b) and II. USE OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. §19-2520, as follows:

COUNT I

That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did willfully and unlawfully use force or violence upon the person of Danielle Washburn, by means of a deadly weapon or instrument, to-wit: by placing a metal wire around Danielle Washburn's throat and strangling Danielle Washburn.

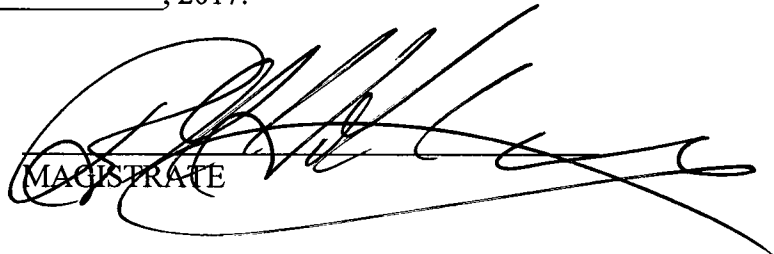
COUNT II

That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did display and/or use a deadly weapon, to-wit: a metal wire in the commission of the crime alleged in Count I.

The defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the defendant is guilty of committing the offense as charged.

**WHEREFORE, IT IS ORDERED** that the defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ \_\_\_\_\_.

**DATED** this 17 day of Feb., 2017.

  
MAGISTRATE

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

MOTION FOR BOND REDUCTION

COMES NOW, Robert Ray Ferguson, the above-named defendant, by and through counsel, Ransom J. Bailey, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that Defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that Defendant has thereby been effectively denied his right to bail.

DATED February 21, 2017.

ANTHONY R. GEDDES  
Chief Public Defender



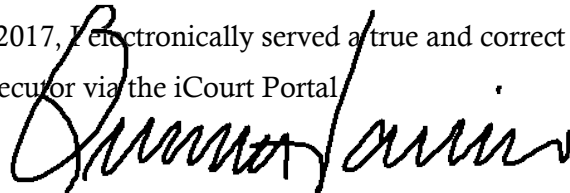
For Ransom J. Bailey  
Attorney for Defendant

Signed: 2/23/2017 08:06 AM

mm

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on February 21, 2017, I electronically served a true and correct copy of the within instrument to the Ada County Prosecutor via the iCourt Portal.



Quincy Harris

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

NOTICE OF HEARING  
(MOTION FOR BOND REDUCTION)

TO: THE STATE OF IDAHO, Plaintiff, and to the Ada County Prosecutor:

YOU, AND EACH OF YOU, are hereby notified that Defendant will call on for hearing Motion for Bond Reduction, which is now on file with the Court. Said hearing shall take place at **1:30 pm on February 24, 2017**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED February 21, 2017.

Signed: 2/23/2017 08:06

mm

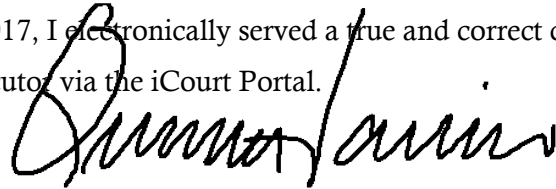
ANTHONY R. GEDDES  
Chief Public Defender



For Ransom J. Bailey  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on February 21, 2017, I electronically served a true and correct copy of the within instrument to the Ada County Prosecutor via the iCourt Portal.



Quincy Harris

ADA COUNTY PUBLIC DEFENDER  
Attorney for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Boise, Idaho 83702  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to the Ada County Prosecutor:

PLEASE TAKE NOTICE, that the undersigned requests discovery and photocopies of the following information, evidence, and materials pursuant to ICR 16:

- 1) All unredacted material or information within the prosecutor's possession or control, or which thereafter comes into their possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment therefore. ICR 16(a).
- 2) Any unredacted, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney, or the prosecution's agent; and the recorded testimony of the defendant before a grand jury that relates to the offense charged.
- 3) Any unredacted, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All unredacted documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor that are material to the defendant, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.
- 6) All reports or physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney. Additionally, the defense requests **ALL** statements (written or oral, recorded, or unrecorded) made by ALL prosecution witnesses or prospective prosecution



witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case (including, but not limited to police officers, investigators, and victim-witness coordinators).

- 8) A list of all benefits offered to the alleged victim for being a "victim" of crime (including, but not limited to financial assistance, free or reduced-cost legal representation, housing, or U-Visa certification).
- 9) Unredacted copies of **ALL** communications between the prosecution, including the prosecuting attorney's agents, and alleged victims offering benefits and accepting benefits (including, but not limited to, letters, emails, and informational pamphlets).
- 10) Unredacted copies of **ALL** documents provided to, and received from, alleged victims relating to crime victim benefits (including, but not limited to, Crime Victims Compensation Program applications provided to alleged victims **and** received by the Industrial Commission).
- 11) A written summary or report of any testimony that the State intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witnesses qualifications.
- 12) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including, what are commonly referred to as "ticket notes."
- 13) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 14) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 15) Any evidence, documents or witnesses that the State discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument pursuant to ICR 16.

DATED February 21, 2017.

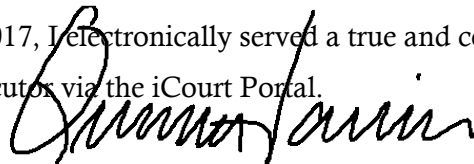
ANTHONY R. GEDDES  
Chief Public Defender



For Ransom J. Bailey  
Attorney for Defendant

#### CERTIFICATE OF MAILING

I HEREBY CERTIFY that on February 21, 2017, I electronically served a true and correct copy of the within instrument to the Ada County Prosecutor via the iCourt Portal.



Quincy Harris

**JAN M. BENNETTS**

Ada County Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Phone: 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

**I N F O R M A T I O N**

Defendant's DOB:

Defendant's SSN:

**JAN M. BENNETTS**, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that ROBERT RAY FERGUSON is accused by this Information of the crimes of: I. AGGRAVATED BATTERY, FELONY, I.C §18-903(a), 18-907(b) and II. USE OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C §19-2520, which crime was committed as follows:

Signed: 2/23/2017 09:08 AM

**mm**

COUNT I

That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did willfully and unlawfully use force or violence upon the person of Danielle Washburn, by means of a deadly weapon or instrument, to-wit: by placing a metal wire around Danielle Washburn's throat and strangling Danielle Washburn.

COUNT II

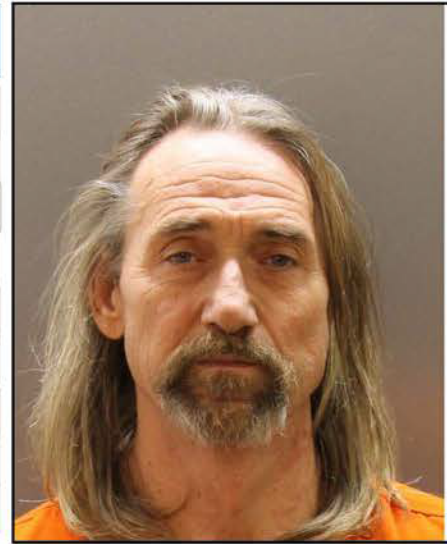
That the defendant, ROBERT RAY FERGUSON, on or about the 27th day of January, 2017, in the County of Ada, State of Idaho, did display and/or use a deadly weapon, to-wit: a metal wire in the commission of the crime alleged in Count I.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

  
\_\_\_\_\_  
JAN M. BENNETTS  
Ada County Prosecuting Attorney

## Ada County Mugshot

JID	Name		
01107461	FERGUSON ROBERT RAY		
Gender	Race	Ethnicity	DOB
Male	White		
Hair Color	Eye Color	Height	Weight
Brown	Blue	606	235
First Surname	First Given Name	Name Type	
FERGUSON	ROBERT	Alias	
		Primary	



Mark Code	Mark Description
TAT CHEST	Face
TAT R LEG	Lion

Type	Number	Issuer
Driver's License Number		ID
Social Security Number		

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
02:52:20 PM	Judge Moody	<b>State v. Robert Ferguson</b> CR01-17-02856 C AR PD
02:52:25 PM	States Attorney	Brett Judd
02:52:27 PM	Defense Attorney	Ransom Bailey
02:52:28 PM	Defendant	Defendant Present In-Custody
02:52:29 PM	Judge Moody	Reviews file
02:52:59 PM		Arraignment Video watched and understood
02:53:03 PM		Information served name true and correct
02:53:08 PM		Defendant Waives Reading
02:54:00 PM		Advised of Charges/Elements State would have to prove to be found guilty at Trial
02:54:03 PM		Advised of Maximum Penalties for Charges
02:55:10 PM		Advised of Options for Todays Hearing
02:55:13 PM	Defense Attorney	Tender a NG plea
02:55:20 PM	Defendant	Agrees
02:55:23 PM	Judge Moody	NG Plea Enters
02:55:31 PM		3 Trial days
02:55:34 PM		05/30/2017 @ 8:30 am for Trial
02:55:45 PM		05/19/2017 @ 11:00 am for PTC
02:57:52 PM		End of Case
02:57:52 PM		
02:57:52 PM		
02:57:53 PM		

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,  
Defendant.

Case No. CR01-17-02856

NOTICE OF JURY TRIAL AND PRE-TRIAL  
CONFERENCE AND LIST OF ALTERNATE  
JUDGES

On Friday, February 24, 2017 the defendant entered a plea of not guilty and requested a jury trial.

**PRETRIAL CONFERENCE IS SET FOR: Friday, May 19, 2017, @ 11:00 AM**

**JURY TRIAL IS SET FOR: Tuesday, May 30, 2017, @ 08:30 AM**

The Defendant must be present at both of these hearings.

No later than three days before the pre-trial conference, the following must be complete:

- All discovery must be received by the parties
- Notice of intent to introduce evidence pursuant to I.R.E. 404, 608 or 609
- All motions *in limine* must be filed.
- A notice of intent to introduce expert testimony must be filed. Failure to file this notice may result in exclusion of the expert.

At the pre-trial conference, both sides should provide the Court with a written list of witnesses and a written list of potential exhibits. These may be filed prior to the pre-trial conference.

Expert witnesses

- The moving party must provide the other side with the expert's written opinion or a complete summary of the proposed expert's testimony no later than thirty days before trial.

Failure to comply with this order or any of the Idaho Criminal Rules will subject a party or the party's attorney to sanctions including, but not limited to, costs for subpoenas, reasonable attorney fees, exclusion of witnesses and jury costs.

*Notice is hereby given, pursuant to I.C.R. 25(a)(6) that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:*

*Hon. G. D. Carey  
Hon. Cheri C. Copsey  
Hon. Renae Hoff  
Hon. James Judd  
Hon. D. Duff McKee  
Hon. Michael McLaughlin*

*Hon. Thomas Neville  
Justice Gerald Schroeder  
Hon. Kathryn Sticklen  
Hon. Darla Williamson  
Hon. Ronald Wilper  
**All Sitting Fourth District Judges***

*Unless a party has previously exercised the right to disqualification without cause under Rule 25(a)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judge.*

Dated this 1st day of March 2017.



---

MELISSA MOODY  
District Judge


## CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of March, 2017, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, or hand-delivered, to:

BRETT JUDD  
ADA COUNTY PROSECUTOR  
INTERDEPARTMENTAL MAIL/EMAIL

RANSOM BAILEY  
ADA COUNTY PUBLIC DEFENDER  
INTERDEPARTMENTAL MAIL/EMAIL

CHRISTOPHER D. RICH  
Clerk of the District Court

By   
Deputy Court Clerk





**JAN M. BENNETTS**

Ada County Prosecuting Attorney

**R. Scott Bandy**

Deputy Prosecuting Attorney

200 West Front Street, Room 3191

Boise, Idaho 83702-5954

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

**Case No. CR01-17-2856**

**MOTION FOR  
DISQUALIFICATION  
WITHOUT CAUSE**

**COMES NOW**, R. Scott Bandy, Deputy Prosecuting Attorney for Ada County,  
State of Idaho, and moves this Court to disqualify the Honorable District Judge D. Duff  
McKee from presiding over the above-entitled case.

**WHEREFORE**, the State prays for an order of disqualification and reassignment.

Signed: 3/5/2017 10:51 AM

**mm**

**DATED** this 1st day of March, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

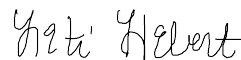


By: R. Scott Bandy  
Deputy Prosecuting Attorney

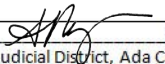
### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 2nd day of March, 2017, a true and correct copy of the foregoing Motion to Disqualify Without Cause was served to **Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☐ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_*
- ☒ *By iCourt eFile and Serve*



Legal Assistant

FILED By: 	Deputy Clerk
Fourth Judicial District, Ada County	
CHRISTOPHER D. RICH, Clerk	

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**R. Scott Bandy**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
vs. )  
)  
ROBERT RAY FERGUSON, )  
)  
Defendant. )  
\_\_\_\_\_ )

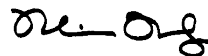
**Case No. CR01-17-2856**

**ORDER FOR  
DISQUALIFICATION  
WITHOUT CASE**

The above entitled matter having come before this Court on the State's motion;  
**IT IS HEREBY ORDERED** that the Honorable Judge D. Duff McKee be disqualified  
from the above entitled case pursuant to Idaho Criminal Rule 25(a), without cause.

**DATED** March 5, 2017

Signed: 3/5/2017 10:54 AM



\_\_\_\_\_  
Melissa Moody  
District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2017, I served the foregoing document upon the following attorneys, persons and agencies at the addresses listed below.

**Ransom Bailey**  
**Public Defender's Office**  
**200 W. Front Street, Room 1107**  
**Boise, Idaho 83702**

☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
public.defender@adacounty.id.gov

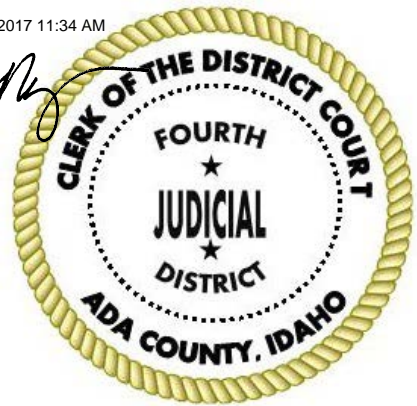
**Brett B. Judd**  
**Ada County Prosecutor's Office**  
**200 W. Front St. Rm 3191**  
**Boise, ID 83702**

☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
acpocourtdocs@adaweb.net

**CHRISTOPHER D. RICH**  
Ada County Clerk of the Court

Signed: 3/7/2017 11:34 AM

\_\_\_\_\_  
Deputy Clerk



ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
Plaintiff,

vs.

ROBERT RAY FERGUSON,  
Defendant.

Case No. CR01-17-02856

MOTION FOR PRELIMINARY  
HEARING TRANSCRIPT

COMES NOW, Robert Ray Ferguson, the defendant above-named, by and through counsel Ransom J. Bailey of the Ada County Public Defender's office, and moves this Court pursuant to ICR 5.2(a) for an ORDER providing typewritten transcripts of the preliminary hearing proceedings held in this matter, as they are essential and necessary for filing pretrial motions. Defendant, being indigent, also requests that the transcripts be prepared at the cost of Ada County, and as soon as possible.

DATED March 23, 2017.

ANTHONY R. GEDDES  
Chief Public Defender



For Ransom J. Bailey  
Attorney for Defendant

Signed: 3/25/2017 10:25 AM

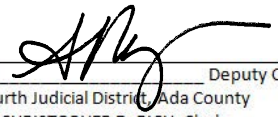
mm

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on March 23, 2017, I served a true and correct copy of the within instrument to the Trial Court Administrator via the iCourt Portal.



Quincy Harris

FILED By:  Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

ORDER FOR PRELIMINARY HEARING  
TRANSCRIPT

For good cause appearing, this Court hereby grants Defendant's Motion for Preliminary Hearing Transcript. Pursuant to ICR 5.2(a), a typewritten transcript of the preliminary hearing held in this matter, shall be prepared at the expense of Ada County, and as soon as possible.

ORDERED: March 25, 2017

Signed: 3/25/2017 10:31 AM

  
Melissa Moody  
District Judge

CERTIFICATE OF SERVICE  
March 29, 2017

I HEREBY CERTIFY that on \_\_\_\_\_,

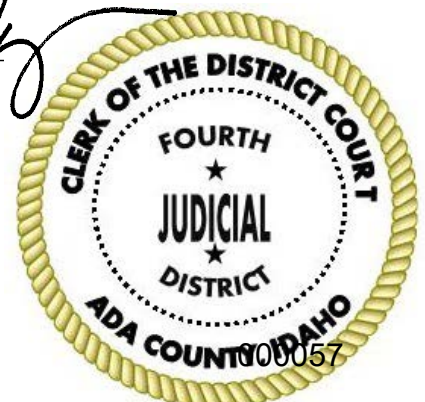
I served a true and correct electronic copy to:

Ada County Prosecutor	acpocourtdocs@adaweb.net
Ada County Public Defender	public.defender@adacounty.id.gov
Ada County Transcript	transcripts@adaweb.net

CHRISTOPHER D. RICH  
Ada County Clerk of the Court

Signed: 3/29/2017 01:29 PM

Deputy Clerk



ORDER FOR PRELIMINARY HEARING TRANSCRIPT

APR 14 2017

CHRISTOPHER D. RICH, Clerk  
By RAE ANN NIXON  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. CR01-17-02856  
 )  
ROBERT R. FERGUSON, ) NOTICE OF PREPARATION  
 ) OF PRELIMINARY HEARING  
Defendant, ) TRANSCRIPT  
 )

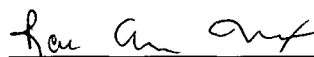
An Order for transcript was filed in the above-entitled matter on March 29, 2017, and a copy of said Order was received by the Transcription Department on April 14, 2017. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Preliminary Hearing  
Date of Hearing: February 17, 2017 Judge: Roy Holloway  
33 Pages x \$3.75 = \$123.50

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

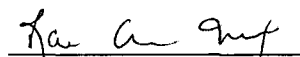
Date: April 14, 2017

  
\_\_\_\_\_  
Rae Ann Nixon  
Transcript Coordinator

CERTIFICATE OF MAILING

I certify that on April 14, 2017, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender  
200 W. Front St. Ste. 1107  
Boise ID 83702  
RANSOM BAILEY



Rae Ann Nixon  
Transcript Coordinator



**JAN M BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Phone: 287-7700  
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

**Case No. CR01-17-2856**

**MOTION AND MEMORANDUM  
IN SUPPORT OF MOTION TO  
ADMIT EVIDENCE UNDER  
I.R.E. 404(b)**

Signed: 4/22/2017 03:03 PM

**COMES NOW**, Brett B. Judd, Deputy Prosecuting Attorney, in and for Ada County, State  
of Idaho, and files this Motion and Memorandum with the Court in support of its Motion to Admit  
Evidence under I.R.E. 404(b).

**FACTS**

On January 27, 2017, the Boise Police Department was called to the State Motel because  
Danielle Washburn reported that the defendant had strangled her. Ms. Washburn reported that the  
defendant choked her using a wire. Officers saw a red line around the victim's neck consistent with

**MOTION AND MEMORANDUM IN SUPPORT OF STATE'S MOTION TO ADMIT  
EVIDENCE (FERGUSON)-1**

000060

here report of being choked with a wire. Ms. Washburn also said that Julie Snow was present during the choking and was a witness in the case.

Ms. Washburn told Officers that Ms. Snow was the defendant's girlfriend. When Ms. Snow was interviewed she corroborated the victim's report. Ms. Snow told Officers that the defendant choked the victim and that the defendant did that with a wire.

Based on the defendant's conduct he was arrested on the charges of Aggravated Battery and Using a Deadly Weapon in the Commission of a Felony. Once in jail, the defendant began calling Ms. Snow. The defendant's first call to Ms. Snow happened on January 28, 2017. In that call, the defendant told Ms. Snow "thank you, now I am going to prison for 15 years." Later in that call the defendant asked Ms. Snow, "[a]re you going to testify for me?" After that, the defendant says "the State's going to press charges on me, unless you stand up and testify on my behalf, which you won't."

The defendant called Ms. Snow again on February 19, 2017. In that call, the defendant told Ms. Snow, "[w]hat I do know baby, is that they know that your stories were coerced. After you left the courtroom my attorney looked at me and I said, 'well, you know she's lying,' and he said 'oh yeah, we know.'" The defendant spends the entire 12 minute phone calling trying to convince Ms. Snow that her testimony is not accurate and that his version of events is. He also tells Ms. Snow that he loves her and to stay in contact with his mom if he goes away.

On February 27, 2017, the defendant calls Ms. Snow again; this time he used a different inmate's account to place the call. In that call, the defendant tells Ms. Snow that he loves her and asks if she loves him. The defendant says that he is not guilty and that he loves her. The defendant also says that his mother loves her too.

## LAW

Idaho Rule of Evidence 404(b) provides a mechanism for courts to allow admission of evidence of prior bad acts under certain circumstances, as follows:

*Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided that the prosecution in a criminal case shall file and serve notice reasonably in advance of the trial, or during trial if the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.*

Law in Idaho is well established that evidence of other crimes, wrongs, or acts is not admissible to prove a defendant's criminal propensity. I.R.E. 404(b); *State v. Parmer*, 207 P.3d 186, 190 (Ct.App.2009). The evidence is also inadmissible for the purpose of showing a person's character to prove that he acted in conformity therewith. I.R.E. 404(b); *State v. Pizzuto*, 119 Idaho 742, 750 (1991). However, such evidence may be admissible for a purpose other than prohibited by I.R.E. 404(b). *State v. Avila*, 137 Idaho 410, 412 (Ct.App.2002). Additionally, "[e]vidence offered for the purpose of impeachment may be admissible, although not listed in 404(b)." *State v. Hairston*, 133 Idaho 496, 501 (1999.) citing *State v. Arledge*, 119 Idaho 584, 588 (Ct.App. 1991). Moreover, "[r]ule 404(b) allows evidence of other acts if admitted for the purpose of showing consciousness of guilt." *State v. Pokorney*, 149 Idaho 459, 463 (Ct.App. 2010). Evidence of consciousness of guilt can come in many forms, including flight of the defendant and an attempt by the defendant to influence the testimony of a witness. *Id.*

In *Pokorney*, the Court of Appeals noted that flight and an attempt to influence a witness's testimony both show consciousness of guilt because they suggest that the defendant is attempting to evade justice. *Id.* at 463-464. Furthermore, any alternate explanation for the defendant's actions would not affect the admissibility of the conduct; it would only go to the weight the jury should give it. *Id.* at 464. Thus, the State is allowed to introduce evidence of consciousness of guilt without proving that was the sole reason for the defendant's actions.

To determine the admissibility of the State's proposed evidence, the court must engage in a two-tiered analysis. *State v. Grist*, 147 Idaho 49, 52 (2009). The first tier of the analysis involves a two-part inquiry: (1) whether there is sufficient evidence to establish the prior bad acts as fact; and (2) whether the prior bad acts are relevant to a material disputed issue concerning the crime charged,

other than propensity. *Id.* In order to determine the relevance of the evidence, the court will need to perform an I.R.E. 401 analysis. Idaho Rule of Evidence 401 states that relevant evidence “means evidence which has any tendency to make the existence of a fact of consequence in an action more probable or less probable than the fact would be without the evidence.” The court has discretion to determine the relevance of the State’s evidence as long as it acts within the bounds of such discretion and consistently with any legal standards to specific choices and if the court reaches its decision by an exercise of reason. *State v. Sheldon*, 145 Idaho 225 (2008).

The second tier of the analysis involves a balancing test under I.R.E. 403 to determine whether the probative value of the evidence is substantially outweighed by unfair prejudice. *Id.* Idaho Rule of Evidence 403 provides that “although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Evidence is overly prejudicial if it would lead a jury to convict the defendant based on an improper basis, not because it casts the defendant in a negative light. *State v. Floyd*, 125 Idaho 651, 654 (Ct.App. 1994). In the context of flight evidence, flight is not unfairly prejudicial because a defendant has the opportunity to explain his or her actions to the jury. *See Moore* at 819.

In *Cook v. State*, the Idaho Court of Appeals addressed the issue of a 403 balancing analysis involving the threat of a witness. *Cook v. State*, 339 P.3d 1179, 184-1185 (Ct.App. 2014). In that case, the attempts to influence a witness involved a threat to rape and murder a witnesses family members if he testified. As a result of that threat, a witness testified differently at a preliminary hearing. In examining that threat under 403, the Court of Appeals acknowledged that admission of the evidence could cast the defendant as being violent. After acknowledging that, the court went on to say that it would not be unfair prejudice, it would be unfair to allow the defendant to gain an advantage by threatening a witness. Thus, an attempt to influence a witness’s testimony is probative of guilt even if the evidence could lead a jury to view the defendant in a negative light.

Reliance on an oral or written offer of proof in determining the admissibility of Rule 404(b) evidence is one way the court can make the requisite initial finding that a prior bad act is established as fact. *Parmer* at 52. A trial court may also rely on affidavits, stipulations by the parties, live testimony, or may hold more extensive evidentiary hearings for each witness in advance of the trial. The Supreme Court has held that these considerations of admissibility must be made on a case by

case basis by the trial court. *Id.* The trial court has the discretion to consider on a case-by-case basis whether sufficient evidence to establish prior bad acts exists. *Grist*, 147 Idaho 49.

## **ARGUMENT**

The State meets the requirements of the two-tier analysis required for admission of evidence under I.R.E. 404(b); therefore, the court should allow the State to present the evidence to the jury.

### **1. Sufficiency of the evidence**

Here, there is sufficient evidence to establish the prior bad acts as facts based on the jail calls the State has referenced. The calls show that the defendant is calling an eye-witness to his crime and attempting to convince her to alter her testimony. As stated in *Pokorney*, the existence of an alternate explanation for the defendant's conduct is not a consideration for admissibility, it merely goes to the weight the jury gives the evidence. The State is not required to show a clear threat to a witness. *State v. Pokorney*, 149 Idaho at 465. The State merely has to show that the calls show an attempt to influence a witness. Here, the calls show the defendant trying to get a witness to adopt his version of events based on alcohol consumption and the promise of love and a relationship. Thus, there is sufficient evidence to show that the defendant was attempting to influence a witness.

### **2. Relevance**

The State meets the requirements of the second part of the two-part inquiry of tier one because the prior bad act is relevant to a material disputed issue in this case and not being used to show propensity. As stated in *Pokorney*, attempts to influence the testimony of a witness are relevant. This action shows the defendant's consciousness of guilt. Actions that show that the defendant is guilty would be relevant to showing that the defendant is guilty of the crime he is charged with. Accordingly, the evidence the State is seeking to admit is relevant.

### **3. Balancing Probative Value and Unfair Prejudice**

Here, the probative value of the evidence is high and there little chance of prejudice to the defendant. None of the calls the state is attempting to introduce would lead a jury to convict the defendant for an improper basis. The evidence the State is seeking to introduce is not nearly as prejudicial as the evidence admitted in *Cook*. Here, there is no implication that the defendant is a threat to injure anyone. The most likely inference that the jury would draw is that the defendant was guilty and attempting to avoid responsibility for his guilt. While that is prejudicial to the defendant it is not unfair prejudice. It is a fair and admissible inference to be drawn from the facts. Additionally,

any inference that the defendant would be concerned about could be addressed through a limiting instruction to the jury. Thus, the evidence the State is attempting to introduce is not unduly prejudicial to the defendant.

As stated in both *Moore* and *Pokorney*, the prejudice is reduced because the defendant will have the option to offer an alternate explanation for his actions to the jury. The defendant will be able to do by exercising his Constitutional Right to testify and offer an alternate explanation to the jury. Therefore, even assuming *arguendo* that there is some unfair prejudice to the defendant it could easily be addressed through his testimony.

### CONCLUSION

The State respectfully requests that the Court allow the State to introduce evidence in its case in chief regarding the defendant's attempt to influence a witness.

RESPECTFULLY SUBMITTED this 19 day of April, 2017.

**JAN M. BENNETTS**

Ada County Prosecuting Attorney

By: Brett B. Judd  
Deputy Prosecuting Attorney

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April 2017, I caused to be served, a true and correct copy of the foregoing upon the individual(s) named below in the manner noted:  
Name and address: Ransom Bailey, Ada County Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702

☒ By iCourt eFile and Serve

Lata H. Hark  
Legal Assistant

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise Idaho 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-2856</b>
	)	
vs.	)	<b>NOTICE OF HEARING</b>
	)	
ROBERT RAY FERGUSON,	)	
	)	
	)	
Defendant.	)	

---

**TO: ROBERT RAY FERGUSON**, and, his attorney of record, Ransom Bailey you will please take notice that on the 5th day of May, 2017, at the hour of 2:30 p.m. of said day, this case will be set for the State's Motion to Admit Evidence Under I.R.E 404(b).


Signed: 4/22/2017 03:04 PM

**mm**



DATED this 11 day of April, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: Brett B. Judd  
Deputy Prosecuting Attorney

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2017, a true and correct copy of the **Notice of Hearing on the State's Motion to Admit Evidence Under I.R.E. 404(b)** was served to **Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☐ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number:*
- ☒ *By iCourt eFile and Serve*

  
Legal Assistant



**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

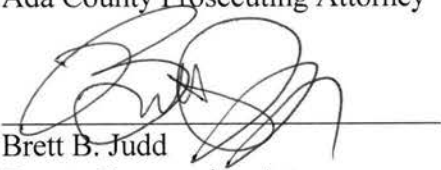
**Case No. CR01-17-2856**

**DISCOVERY  
RESPONSE TO COURT**

**COMES NOW**, Brett B. Judd, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and informs the Court that the State has complied with the Defendant's Request for Discovery.

**RESPECTFULLY SUBMITTED** this 24 day of April 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

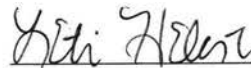
  
Brett B. Judd  
Deputy Prosecuting Attorney

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of April 2017, I caused to be served, a true and correct copy of the foregoing Discovery Response to Court upon the individual(s) named below in the manner noted:

Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_
- ☒ By iCourt eFile and Serve



Legal Assistant

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 West Front Street, Room 3191  
Boise, Idaho 83702-5954  
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-2856</b>
	)	
vs.	)	<b>STATE'S WITNESS LIST</b>
	)	
ROBERT RAY FERGUSON,	)	
	)	
Defendant.	)	
_____	)	

**COMES NOW**, Brett B. Judd, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and intends to call the following witnesses in its case in chief:

State's Witness List in its Case in Chief

1. Beth Mouser, c/o Ada County Prosecutor's Office
2. Julie Snow, c/o Ada County Prosecutor's Office
3. Louis Tad Cowley, M.D., c/o Emergency Medicine of Idaho
4. Josiah Ransom, Boise Police Department
5. Ty Clark, Boise City Police Department
6. Kenneth Mossi, Boise City Police Department
7. Krysta Theisen, Boise City Police Department
8. Danielle Washburn, c/o Ada County Prosecutor's Office

Signed: 4/25/2017 01:30 PM

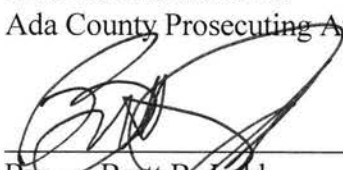
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All above witnesses were disclosed in the State's initial discovery response filed April 25, 2017.

**WHEREFORE**, the State hereby notifies the Court of the witnesses it will call in its case in chief.

**RESPECTFULLY SUBMITTED** this 25<sup>th</sup> day of April 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: Brett B. Judd  
Deputy Prosecuting Attorney

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 25<sup>th</sup> day of , April 2017 a true and correct copy of the foregoing **Response to Defendant's Motion**, was served to Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702

in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☐ *By hand delivering copies of the same to defense counsel.*
- ☐ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By Hand Delivering said document to defense counsel.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_*
- ☒ *By iCourt eFile and Serve*

  
Legal Assistant

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 West Front Street, Room 3191  
Boise, ID 83702  
Telephone: (208) 287-7700


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	<b>Case No. CR01-17-02856</b>
	)	
vs.	)	
	)	<b>ADDENDUM TO DISCOVERY</b>
ROBERT RAY FERGUSON,	)	<b>RESPONSE TO COURT</b>
	)	
Defendant.	)	
_____	)	

**COMES NOW**, Brett B. Judd, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

**RESPECTFULLY SUBMITTED** this the 3 day of May, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

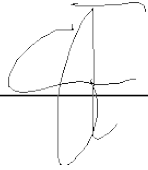
  
\_\_\_\_\_  
By: Brett B. Judd  
Deputy Prosecuting Attorney

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2017, a true and correct copy of the foregoing Addendum to Discovery Response to Court was served to the following in the manner noted below:

**Ransom Jonah Bailey, 200 W Front Street Rm 1107 Boise ID 83702**

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_.
- ☐ By hand.
- ☒ By iCourt eFile & Serve.

  
\_\_\_\_\_

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>02:41:47 PM</u>	Judge	<b>State v. Robert Ferguson CR01-17-02856 C</b> <b>MN in Limine PD</b>
<u>02:41:57 PM</u>	counsel	Judd/Bailey defendant present in cust
<u>02:43:55 PM</u>	Judge	motion in limine
<u>02:44:15 PM</u>	State Attorney	argues motion
<u>02:45:22 PM</u>	Defense Attorney	argues
<u>02:48:39 PM</u>	Judge	reviews
<u>02:51:32 PM</u>	Defense Attorney	comments
<u>02:52:05 PM</u>	State Attorney	response on redacting
<u>02:53:27 PM</u>	Defense Attorney	yest
<u>02:53:34 PM</u>	Judge	will order the portion of the phone call defendant going to prison for 15 yrs everything else is admissible

FILED By: Yuri Maxwell Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-2856

ORDER ON STATE'S MOTION  
TO ADMIT EVIDENCE  
UNDER I.R.E. 404(b)

The Defendant is charged with one felony count of aggravated battery and one felony count of use of a deadly weapon during the commission of a crime. The case is scheduled for jury trial on May 30, 2017.

On April 19, 2017, the State filed a motion to admit three jail phone calls into evidence under I.R.E. 404(b). The jail phone calls were all placed by the Defendant to an eyewitness. In the jail phone calls, the Defendant says:

- "thank you, now I am going to prison for 15 years"
- "Are you going to testify for me?"
- "The State's going to press charges on me, unless you stand up and testify on my behalf, which you won't."
- "What I do know baby, is that they know that your stories were coerced. After you left the courtroom my attorney looked at me and I said, 'well, you know she's lying,' and he said 'oh yeah, we know.'"



The Defendant tells the eyewitness the he loves her, that his mother loves her, and he asks if she loves him. The Defendant tells the eyewitness that he is not guilty.

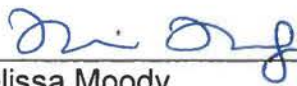
On May 5, 2017, the Court heard oral argument on the State's motion to admit the jail phone calls into evidence. During the oral argument, the State voluntarily agreed to redact from the audio recording any reference to the Defendant going to prison for 15 years.<sup>1</sup>

The Court ruled that the remainder of the evidence would be admissible at trial, providing the State could establish an adequate foundation. The Court conducted a two-tiered analysis as required by I.R.E. 404(b) and explained in *State v. Grist*, 147 Idaho 49, 52, 205 P.3d 1185, 1188 (2009). First, the Court found that there was sufficient evidence to establish the other crime or wrong occurred, and determined that, if established, the evidence would be relevant to consciousness of guilt. The Court next found that the danger of any unfair prejudice did not substantially outweigh the probative value of the evidence. In this case, the danger of any unfair prejudice is virtually nonexistent.

The State's motion to admit the evidence, as modified at the hearing on May 5, 2017, is granted as outlined in this order.

IT IS SO ORDERED.

Dated this 10<sup>th</sup> day of May 2017.

  
\_\_\_\_\_  
Melissa Moody  
District Judge

---

<sup>1</sup> The Court specifically did not find that the danger of unfair prejudice substantially outweighed the probative value of this evidence. The State volunteered to redact this portion of the audio before the Court ruled on the State's motion.

## CERTIFICATE OF MAILING

I hereby certify that on this 10th day of May 2017, I mailed (served) a true and correct copy of the within instrument to:

BRETT JUDD  
DEPUTY ADA COUNTY PROSECUTING ATTORNEY  
VIA EMAIL: [acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

RANSOM BAILEY  
DEPUTY ADA COUNTY PUBLIC DEFENDER  
VIA EMAIL: [public.defender@adacounty.id.gov](mailto:public.defender@adacounty.id.gov)



CHRISTOPHER D. RICH  
Clerk of the District Court

Signed: 5/10/2017 04:37 PM

By: Kari Maxwell  
Deputy Clerk

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

Brett B. Judd  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Phone: 287-7700  
acpocourtdocs@adaweb.net

Signed: 5/16/2017 02:40 PM

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	<b>Case No. CR01-17-02856</b>
vs.	)	
	)	<b>MOTION TO FILE INFORMATION</b>
ROBERT RAY FERGUSON,	)	<b>PART II</b>
	)	
Defendant.	)	
_____	)	

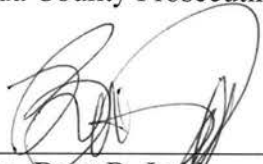
**COMES NOW**, Brett B. Judd, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order allowing the State to file an Information, Part II, in the above-matter based on what the State believes is the defendant's prior record as set out below.

That the defendant, ROBERT RAY FERGUSON was convicted of the crime of AGGRAVATED ASSAULT, a Felony, and was convicted of the crime of BATTERY WITH A DEADLY WEAPON, a Felony.

The State's information as to the defendant's prior record is based on a state or national records check.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of May, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: Brett B. Judd  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of May, 2017, I caused to be served, a true and correct copy of the foregoing Motion for Leave to File Information Part II upon the individual(s) named below in the manner noted:

**Ransom Jonah Bailey 200 W Front Street Rm 1107 Boise ID 83702**

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ Via iCourt eFile and Serve.

  
\_\_\_\_\_

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 W. Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
acpocourtdocs@adaweb.net

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	<b>Case No. CR01-17-02856</b>
vs.	)	
	)	
ROBERT RAY FERGUSON,	)	<b>NOTICE OF HEARING</b>
	)	
Defendant.	)	
_____	)	

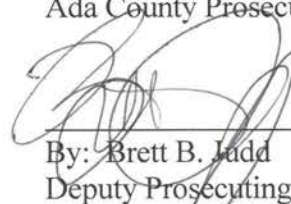
Signed: 5/16/2017 02:33 PM

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**TO: Ransom Jonah Bailey**, Attorney of Record, you will please take notice that on the 19th day of May, 2017 at the hour of 11:00 a.m. of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney Brett B. Judd, will move this Honorable Court regarding the State's Motion for Leave to File Information Part II in the above-entitled action.

**DATED** this 11<sup>th</sup> day of May, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: Brett B. Judd  
Deputy Prosecuting Attorney

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 16<sup>th</sup> day of May, 2017 I caused to be served, a true and correct copy of the foregoing Notice of Hearing upon the individual(s) named below in the manner noted:

**Ransom Jonah Bailey, 200 W Front Street Rm 1107, Boise ID 83702**

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_.
- ☐ By hand delivering copies of the same to defense counsel.
- ☒ By iCourt eFile and Serve.

Kati Hilek

05/19/2017 0500

FILED By: <i>SAH</i>	Deputy Clerk
Fourth Judicial District, Ada County	
CHRISTOPHER D. RICH, Clerk	

**JAN M. BENNETTS**

Ada County Prosecuting Attorney

**Brett B. Judd**

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise Idaho 83702

Telephone: (208) 287-7700

acpocourtdocs@adaweb.net

Signed: 5/18/2017 01:24 PM

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-2856

INFORMATION

PART II

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

**JAN M. BENNETTS**, Prosecuting Attorney in and for the County of Ada, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and given the Court to understand and to be further informed that, as PART II of the Information on file herein, the Defendant, ROBERT RAY FERGUSON, is a persistent violator of the law, in that the Defendant has heretofore been convicted of the following felonies:

**I**

That the said Defendant, ROBERT RAY FERGUSON, on or about the 27th day of June, 2012, was convicted of the crime of AGGRAVATED ASSAULT, a Felony, in the County of Ada, State of Idaho by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Deborah A. Bail in case number CR-FE-2011-0018003.

**II**

That the said Defendant, ROBERT RAY FERGUSON, on or about the 30th day of March, 2000, was convicted of the crime of BATTERY WITH A DEADLY WEAPON, a Felony, in the County of Washoe, State of Nevada by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Janet Berry in case number CR99-2330.

**WHEREFORE**, the said Defendant, having been convicted previously of two (2) or more felonies, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2514, upon conviction of the charge(s) contained in PART I of the Information.

  
\_\_\_\_\_  
**JAN M. BENNETTS**  
Ada County Prosecuting Attorney



ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
Plaintiff,

vs.

ROBERT RAY FERGUSON,  
Defendant.

Case No. CR01-17-02856

DEFENDANT'S LIST OF  
POTENTIAL TRIAL WITNESSES

COMES NOW, Robert Ray Ferguson, the above-named Defendant, by and through counsel, Ransom J. Bailey, of the Ada County Public Defender's office, and provides the following list of Defendant's potential trial witnesses.

**Name**

1) Mark Fetters – 208-890-5755

DATED May 10, 2017.



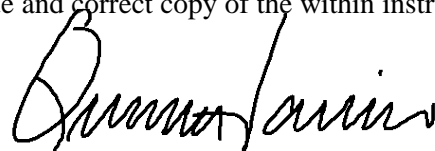
Ransom J. Bailey  
Attorney for Defendant

Signed: 5/18/2017 01:29 PM

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on May 10, 2017, I served a true and correct copy of the within instrument to the Ada County Prosecutor.

mm



Quincy Harris

**JAN M. BENNETTS**

Ada County Prosecuting Attorney

**Brett B. Judd**

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

Signed: 5/20/2017 10:56 AM

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

**Case No. CR-01-17-2856**

**STATE'S EXHIBIT LIST**

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**COMES NOW, THE STATE OF IDAHO,** by and through the undersigned  
Deputy Prosecuting Attorney, and submits its following exhibit list:

Exhibit No.	Description	Offered	Admitted	Date
	<b>A. REAL EVIDENCE</b>			
1.	Picture of Wire used to strangle the victim			
2.	Picture of the Victim's neck			
3.	Picture of the Victim's neck			

4.	Disc of Jail Calls			
5.	Picture of the defendant from the date of incident			
6.	Photo of the defendant's neck			
7.	Audio of the defendant's interview with Detective Ransom.			
8.				
9.				
10				
11				

**DATED** this 19 day of May 2017.

**JAN M. BENNETTS**

Ada County Prosecuting Attorney



By: Brett B. Judd

Deputy Prosecuting Attorney

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 19th day of May 2017, a true and correct copy of the foregoing State's Exhibit List, was served to Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702, in the manner noted below:

☒ By iCourt eFile and Serve



Legal Assistant

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>10:00:14 AM</u>	Judge Moody	<b>State v. Robert Ferguson</b> CR01-17-02856 C PTC (3d JT 5/30) PD
<u>10:00:19 AM</u>	States Attorney	Brett Judd
<u>10:00:20 AM</u>	Defense Attorney	Ransom Bailey
<u>10:00:20 AM</u>	Defendant	Defendant Present In-Custody
<u>10:00:23 AM</u>	Judge Moody	Reviews file
<u>10:01:28 AM</u>		Motions filed by the state
<u>10:01:37 AM</u>		will take a recess
<u>10:14:50 AM</u>		will recall
<u>10:14:53 AM</u>		End of Case
<u>10:14:53 AM</u>		
<u>10:57:28 AM</u>	recalls	<b>State v. Robert Ferguson</b> CR01-17-02856 C PTC (3d JT 5/30) PD
<u>10:57:43 AM</u>		same parties present
<u>10:58:34 AM</u>	Judge Moody	Discussion of witness exhibit lists
<u>10:59:05 AM</u>	States Attorney	comments
<u>10:59:17 AM</u>	Defense Attorney	comments on possible redaction, easily resolvable
<u>10:59:31 AM</u>	Judge Moody	asks counsel about complying with the scheduling order
<u>11:00:56 AM</u>		discussion if Info II
<u>11:01:12 AM</u>		AR on Info II
<u>11:01:37 AM</u>		Advised of Charges/Elements State would have to prove to be found guilty at Trial
<u>11:01:40 AM</u>		Advised of Maximum Penalties for Charges
<u>11:03:40 AM</u>	Counsel	nothing additional
<u>11:03:45 AM</u>		End of Case
<u>11:03:45 AM</u>		

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

Signed: 5/28/2017 10:34 AM

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

DEFENDANT'S LIST OF  
POTENTIAL TRIAL WITNESSES

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COMES NOW, Robert Ray Ferguson, the above-named Defendant, by and through counsel, Ransom J. Bailey, of the Ada County Public Defender's office, and provides the following list of Defendant's potential trial witnesses.

**Name**

1) Mark Fetters – 208-890-5755

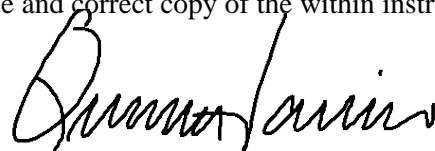
DATED May 10, 2017.



Ransom J. Bailey  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on May 10, 2017, I served a true and correct copy of the within instrument to the Ada County Prosecutor.



Quincy Harris

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
Plaintiff,

vs.

ROBERT RAY FERGUSON,  
Defendant.

Case No. CR01-17-02856

DEFENDANT'S LIST OF  
POTENTIAL TRIAL EXHIBITS

COMES NOW, Robert Ray Ferguson, the above-named Defendant, by and through counsel, Ransom J. Bailey, of the Ada County Public Defender's office, and provides the following list of Defendant's potential trial exhibits.

**Defense Exhibits**

Officer Farmer's pictures in 033 range

Signed: 5/30/2017 04:47 PM

DATED May 18, 2017.

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Ransom J. Bailey  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on May 18, 2017, I served a true and correct copy of the within instrument to the Ada County Prosecutor.



Quincy Harris

DEFENDANT'S LIST OF POTENTIAL TRIAL EXHIBITS

000089

**JAN M. BENNETTS**

Ada County Prosecuting Attorney

**Brett B. Judd**

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

**Case No. CR-01-17-2856**

**STATE'S AMENDED  
EXHIBIT LIST**

Signed: 5/30/2017 04:37 PM

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**COMES NOW, THE STATE OF IDAHO,** by and through the undersigned  
Deputy Prosecuting Attorney, and submits its following exhibit list:

Exhibit No.	Description	Offered	Admitted	Date
	<b>A. REAL EVIDENCE</b>			
1.	Picture of the room			
2.	Picture of the room			
3.	Wire used to strangle the victim			

4.	Picture of the wire			
5.	Picture of the Victim's neck			
6.	Picture of the Victim's neck			
7.	Disc of Jail Calls			
8.	Picture of the defendant from the date of incident			
9.	Photo of the defendant's neck			
10	Audio of the defendant's interview with Detective Ransom.			
11				
12				
13				
14				

**DATED** this 30 day of May 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney




---

By: Brett B. Judd  
Deputy Prosecuting Attorney



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 2017, a true and correct copy of the foregoing **State's Exhibit List for Court**, was served to **Ransom Bailey, Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☐ *By hand delivering copies of the same to defense counsel.*
- ☐ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By Hand Delivering said document to defense counsel.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: \_\_\_\_\_*
- ☒ *By iCourt eFile and Serve*

  
\_\_\_\_\_  
Legal Assistant

Time	Speaker	Note
11:32:43 AM	Judge Moody	State v. Robert Ferguson CR01-17-02856 3d JT Day 1 PD
11:32:46 AM	States Attorney	Brett Judd
11:32:47 AM	Defense Attorney	Ransom Bailey
11:32:48 AM	Defendant	Present In-Custody
11:32:48 AM	Judge Moody	Reviews file
11:33:13 AM		Discussion of Pre-proof instructions
11:33:23 AM	Counsel	no objections to pre-proof instructions
11:33:34 AM	Judge Moody	Witness list discussion
11:33:46 AM	States Attorney	will not call Dr. Cowley, will not call officer Theison
11:34:17 AM	Judge Moody	will not read FTA's into the record, will be scanned
11:34:33 AM	Counsel	nothing additional
11:34:41 AM	Judge Moody	Case should be to the jury by Thursday
11:34:56 AM	States Attorney	two witnesses's today
11:35:04 AM	Defense Attorney	questions trial schedule
11:35:17 AM	Judge Moody	will end at 3:30 today.
11:40:12 AM		<b>JURY PANEL ENTERS</b>
11:42:58 AM		Calls case
11:43:00 AM	Counsel	ready to proceed
11:43:08 AM	Judge Moody	Instructions for roll call
11:43:34 AM		ROLL CALL
11:48:03 AM		Initial instructions
11:51:48 AM		Reads the Information
11:55:04 AM		PANEL SWORN
11:56:18 AM		Begins Court Voir Dire
12:04:44 PM	States Attorney	Begins State Voir Dire
12:10:11 PM		Move for cause on 247
12:10:16 PM	Defense Attorney	will defer to the court
12:10:24 PM	Judge Moody	247 excused for cause
12:10:33 PM	States Attorney	Cont. State Voir Dire

<u>12:16:55 PM</u>		sidebar
<u>12:17:46 PM</u>	States Attorney	Cont. State Voir Dire
<u>12:30:02 PM</u>		move for cause on 274
<u>12:30:11 PM</u>	Defense Attorney	no objection
<u>12:30:17 PM</u>	Judge Moody	274 excused for cause
<u>12:30:22 PM</u>	States Attorney	Cont. State Voir Dire
<u>12:36:46 PM</u>		pass panel for cause
<u>12:36:49 PM</u>	Judge Moody	comments on the penalty question by a juror
<u>12:37:29 PM</u>		instructs panel not to look up any information from outside sources
<u>12:37:52 PM</u>		anyone need an emergency break?
<u>12:38:01 PM</u>		do have a hand
<u>12:38:05 PM</u>		be back in 15 minutes
<u>12:38:18 PM</u>		recess
<u>12:38:24 PM</u>		
<u>12:54:40 PM</u>		back on the record - everyone present
<u>12:54:54 PM</u>	Defense Attorney	Begins Defense voir dire
<u>01:07:38 PM</u>		sidebar
<u>01:08:05 PM</u>	Judge Moody	250 excused for cause
<u>01:09:06 PM</u>	Defense Attorney	Cont. Defense Voir Dire
<u>01:17:54 PM</u>		pass panel for cause
<u>01:17:58 PM</u>	Judge Moody	Counsel will exercise peremptory challenges at this time
<u>01:44:41 PM</u>		will call the names of the empaneled jurors
<u>01:45:21 PM</u>		142
<u>01:45:30 PM</u>		188
<u>01:45:33 PM</u>		283
<u>01:45:37 PM</u>		177
<u>01:45:45 PM</u>		280
<u>01:45:53 PM</u>		171
<u>01:46:02 PM</u>		277
<u>01:46:11 PM</u>		232
<u>01:46:17 PM</u>		210
<u>01:46:22 PM</u>		184
<u>01:46:32 PM</u>		143
<u>01:46:38 PM</u>		156

01:46:44 PM		164
01:47:05 PM	States Attorney	agrees with panel
01:47:28 PM	Defense Attorney	agrees with panel
01:47:33 PM	Judge Moody	remainder of panel excused
01:48:46 PM		PANEL SWORN
01:49:17 PM		will take a brief recess at this time, admonishes jury
01:49:41 PM		will come back at 10 after 2
01:50:13 PM		informs panel of the remainder of the trial schedule
01:50:40 PM		any questions?
01:50:44 PM		will give you more instructions
01:50:52 PM		<b>JURY EXITS</b>
01:51:27 PM		outside presence of jury
01:51:37 PM		Mr. Judd does that give you enough time
01:52:04 PM	States Attorney	yes
01:52:05 PM	Judge Moody	recess
01:52:11 PM		
02:09:37 PM		
02:09:41 PM		makes record of juror 250 being excused for cause
02:10:06 PM		215 had oxygen tank that needed a power source
02:10:24 PM		anything to take up outside presence
02:10:31 PM	States Attorney	put the garat wire under the witness stand for the officers testimony
02:11:04 PM	Defense Attorney	have looked at the exhibit, no concerns for its placement
02:11:22 PM		nothing to take up, spoke with state about getting exhibits in
02:11:57 PM	States Attorney	discussion of witnesses
02:16:48 PM		<b>JURY ENTERS</b>
02:17:19 PM	Judge Moody	Pre-proof instructions
02:29:32 PM	States Attorney	Opening Statement
02:35:05 PM	Defense Attorney	Opening Statement
02:36:30 PM	States Attorney	Calls SW#1 Officer Kenneth Mossi/Sworn
02:37:36 PM		DX SW#1
02:44:21 PM		SE#1-5 handed to the witness
02:46:16 PM		Moves to Admit SE#1 and 2

02:46:24 PM	Defense Attorney	No Objection
02:46:30 PM	Judge Moody	So Orders <b>SE#1-2 Admitted</b>
02:46:40 PM	States Attorney	Cont. DX SW#1
02:48:06 PM		Moves to Admit SE#3
02:48:09 PM	Defense Attorney	No Objection
02:48:11 PM	Judge Moody	So Orders <b>SE#3 Admitted</b>
02:48:19 PM	States Attorney	Cont. DX SW#1
02:48:43 PM		Moves to Admit SE#4-5
02:48:48 PM	Defense Attorney	No Objection
02:48:52 PM	Judge Moody	So Orders <b>SE#4-5 Admitted</b>
02:49:05 PM	States Attorney	Cont. DX SW#1
02:50:17 PM		Moves to Admit SE#6
02:50:28 PM	Defense Attorney	No Objection
02:50:32 PM	Judge Moody	So Orders <b>SE#6 Admitted</b>
02:51:53 PM	States Attorney	Nothing further for this witness
02:51:54 PM	Defense Attorney	CX SW#1
02:55:03 PM		Nothing further for this witness
02:55:06 PM	States Attorney	RDX SW#1
02:55:30 PM		Calls SW#2 Julie Snow/Sworn
02:56:44 PM		DX SW#2
03:15:06 PM		Nothing further for this witness
03:15:09 PM	Defense Attorney	CX SW#2
03:18:16 PM	States Attorney	Objection/Relevance
03:18:19 PM	Defense Attorney	withdrawn
03:18:24 PM		Cont. CX SW#2
03:19:42 PM		Nothing further for this witness
03:19:45 PM		Witness Steps down/Excused
03:19:49 PM	Judge Moody	concludes evidence for today, excuses and admonishes the jury
03:20:12 PM		will begin with evidence at 9:00 am

<u>03:20:51 PM</u>		<b>JURY EXITS</b>
<u>03:21:02 PM</u>	Judge Moody	outside presence
<u>03:21:09 PM</u>	Counsel	nothing to take up
<u>03:21:20 PM</u>		will meet with counsel at 8:45
<u>03:21:35 PM</u>		End of Case
<u>03:21:35 PM</u>		
<u>03:21:35 PM</u>		
<u>03:21:35 PM</u>		
<u>03:21:35 PM</u>		
<u>03:21:39 PM</u>		

Time	Speaker	Note
08:24:54 AM		
08:44:35 AM		
08:44:38 AM	Judge Moody	<b>State v. Robert Ferguson CR01-17-02856 3d JT Day 2</b>
08:44:41 AM	States Attorney	Brett Judd
08:44:42 AM	Defense Attorney	Ransom Bailey
08:44:44 AM	Defendant	Present in-custody
08:44:45 AM	Judge Moody	Reviews file
08:44:53 AM		anything to take up this morning
08:45:01 AM	States Attorney	would like to try audio with clerk
08:45:10 AM	Defense Attorney	nothing to take up
08:45:19 AM	Judge Moody	will bring the jury in at 5 til 9
08:57:34 AM		<b>JURY ENTERS</b>
08:58:09 AM	States Attorney	Calls SW#3 Amber Jordin/Sworn
08:59:12 AM		DX SW#3
09:03:07 AM		SE#7 handed to the witness
09:03:42 AM		Moves to Admit SE#7
09:03:47 AM	Defense Attorney	No Objection
09:03:49 AM	Judge Moody	<b>So Orders SE#7 Admitted</b>
09:03:57 AM	States Attorney	Cont. DX SW#3
09:11:35 AM		. end of audio
09:11:47 AM		3rd audio call
09:24:13 AM		end of 3rd audio
09:24:27 AM		Nothing further for this witness
09:24:29 AM	Defense Attorney	DX SW#3
09:25:01 AM		Nothing further for this witness
09:25:05 AM		Witness Steps down/Excused
09:25:13 AM	States Attorney	asks for recess waiting on next witness
09:25:15 AM	Judge Moody	will take a short recess
09:25:21 AM		<b>JURY EXITS</b>
09:25:57 AM		20 til



09:26:02 AM	States Attorney	witness is not here yet, still about 10 minutes out, gave the taxi driver directions here
09:40:37 AM	Judge Moody	what is the plan B?
09:40:44 AM	States Attorney	will call Detective Ransom, is in my office
09:41:10 AM	Judge Moody	After detective Ransom you will rest
09:41:28 AM		If the victim doesn't show, will have to review the criminal rule of availability on using the prelim transcript
09:41:53 AM		Mr. Bailey
09:41:56 AM	Defense Attorney	Have Mr. Fetters coming down will be ready with him after 10:30
09:42:26 AM	Judge Moody	Will you need to take a minute to speak to Mr. Ferguson
09:42:42 AM	Defense Attorney	Yes
09:42:44 AM	Judge Moody	Rebuttal evidence?
09:43:04 AM	States Attorney	Don't think so
09:43:09 AM	Judge Moody	will finish presentation of closing, will do closing after the noon hour at 1 and then give the case to the jury then.
09:44:46 AM	States Attorney	Will check to see if Det. Ransom is done reviewing the audio
09:55:58 AM		.....
09:56:06 AM	States Attorney	Have detective Ransom
09:56:28 AM	Judge Moody	Comments
09:56:32 AM	States Attorney	Saw victim, will call her next
09:56:42 AM	Judge Moody	Will bring the jury in
09:57:40 AM		<b>JURY ENTERS</b>
09:58:18 AM	States Attorney	Calls SW#4 Danielle Washburn/Sworn
09:58:56 AM		DX SW#4
10:24:36 AM		Nothing further for this witness
10:24:41 AM	Defense Attorney	CX SW#4
10:33:22 AM		DE#A handed to the witness
10:33:50 AM		Moves to Admit DE#A
10:33:54 AM	States Attorney	No Objection



10:33:56 AM	Judge Moody	So Orders <b>DE#A Admitted</b>
10:34:14 AM	Defense Attorney	Cont.CX SW#4
10:37:10 AM		Nothing further for this witness
10:37:17 AM	States Attorney	RDX SW#4
10:37:50 AM		Witness Steps down/Excused
10:37:54 AM		Calls SW# 5 Detective Josiah Ransom/Sworn
10:38:44 AM		DX SW#5
10:40:52 AM		SE#8 handed to witness
10:41:24 AM		Moves to Admit SE#8
10:41:30 AM	Defense Attorney	No Objection
10:41:33 AM	Judge Moody	So Orders <b>SE#8 Admitted</b>
10:41:41 AM	States Attorney	Cont. DX SW#5
10:41:53 AM		Moves to Admit SE#9-10
10:41:59 AM	Defense Attorney	No Objection
10:42:12 AM	Judge Moody	So Orders <b>SE#9-10 Admitted</b>
10:42:19 AM	States Attorney	Cont. DX SW#5
10:43:06 AM		begin audio interview
11:03:54 AM		end audio
11:04:00 AM		Cont. DX SW#5
11:05:25 AM		Nothing further for this witness
11:05:34 AM	Defense Attorney	CX SW#5
11:06:19 AM		DE#B handed to witness
11:06:31 AM		Moves to Admit DE#B
11:06:34 AM	States Attorney	No Objection
11:06:36 AM	Judge Moody	So Orders <b>DE#B Admitted</b>
11:06:40 AM	Defense Attorney	Cont. CX SW#5
11:11:11 AM		Nothing further for this witness
11:11:16 AM	States Attorney	RDX SW#5
11:11:54 AM		Witness Steps down/Excused
11:11:57 AM		State Rests
11:12:15 AM	Judge Moody	Addresses the jury about the final witness in the case

11:13:02 AM		Calls DW#1 Mark Feters/Sworn
11:13:47 AM		DX DW#1
11:17:25 AM	States Attorney	Objection/Hearsay
11:17:29 AM	Judge Moody	Sustained
11:17:32 AM	Defense Attorney	Cont. DX DW#1
11:18:00 AM	States Attorney	CX DW#1
11:18:40 AM		Nothing further for this witness
11:18:45 AM		Witness Steps down/Excused
11:18:48 AM	Judge Moody	will recess for a moment
11:18:55 AM		<b>JURY EXITS</b>
11:19:37 AM	Judge Moody	Outside presence of the jury, will give you time to speak to your client
11:19:57 AM	Defense Attorney	Thinking we can get this done prior to the noon hour.
11:20:10 AM		will anticipate that Mr. Ferguson is going to testify
11:20:25 AM	Judge Moody	Will give you 5 minutes.
11:20:33 AM		recess
11:24:53 AM	Judge Moody	outside present
11:24:57 AM	Defense Attorney	believe Mr. Ferguson will take the stand, may be a good time to take lunch and then begin closing
11:25:34 AM	Judge Moody	Would prefer to use the time that we have
11:25:49 AM		seems your preference
11:25:55 AM	Defense Attorney	yes
11:25:58 AM	Judge Moody	this will be a 90 minute lunch
11:26:18 AM	States Attorney	nothing to add
11:26:25 AM	Judge Moody	will bring in the jury and let them know that they will have a long break, will feed them and release them, will order them to be back no later than 1pm, we will come back at 1pm
11:28:04 AM		discussion of the final trial schedule
11:28:18 AM	Defense Attorney	Would you like to inquire of my client if he would like to take the stand
11:28:34 AM	Judge Moody	CT Questions defendant about right to testify in this case
11:30:16 AM		will continue discussion after the break
11:30:45 AM		will bring the jury back in now.

<u>11:31:58 AM</u>		<b>JURY ENTERS</b>
<u>11:32:27 AM</u>	Judge Moody	Addresses the jury about the remainder of the trial schedule
<u>11:32:55 AM</u>		admonishes the jury instructions for them to return by 1pm
<u>11:35:19 AM</u>		<b>JURY EXITS</b>
<u>11:35:46 AM</u>		recess
<u>11:35:52 AM</u>		
<u>12:59:36 PM</u>		back on the record, counsel and defendant are present
<u>12:59:49 PM</u>	Defense Attorney	Defendant and I had a chance to testify, would like to have him on the stand prior to jury entering
<u>01:00:17 PM</u>	Judge Moody	CT Questions defendant about giving testimony
<u>01:00:57 PM</u>		will take a few minutes and then bring the jury back.
<u>01:01:20 PM</u>		recess
<u>01:05:34 PM</u>		
<u>01:05:37 PM</u>		<b>JURY ENTERS</b>
<u>01:06:03 PM</u>	Judge Moody	thanks the jury
<u>01:06:32 PM</u>	Defense Attorney	Calls Defendant Robert Ferguson/Sworn
<u>01:06:44 PM</u>		DX Defendant
<u>01:09:30 PM</u>	States Attorney	Objection/
<u>01:09:35 PM</u>	Judge Moody	Sustained
<u>01:09:39 PM</u>	Defense Attorney	Cont. DX Defendant
<u>01:10:24 PM</u>	States Attorney	objection/hearsay
<u>01:10:31 PM</u>	Judge Moody	Overrule
<u>01:10:37 PM</u>	Defense Attorney	Cont. DX Defendant
<u>01:12:47 PM</u>	States Attorney	objection/hearsay
<u>01:17:35 PM</u>	Judge Moody	Overruled
<u>01:17:44 PM</u>	Defense Attorney	Cont. DX Defendant
<u>01:27:38 PM</u>		No further questions for this witness
<u>01:27:56 PM</u>	States Attorney	CX Defendant
<u>01:31:45 PM</u>	Defense Attorney	no further questions

01:31:55 PM	Judge Moody	will take a brief recess and have you back in a couple minutes
01:32:17 PM		<b>JURY EXITS</b>
01:32:30 PM		Outside presence of the jury
01:32:43 PM	Defense Attorney	will rest when jury comes in
01:32:51 PM	States Attorney	no rebuttal
01:33:01 PM	Judge Moody	discussion of jury instructions, will get two final copies of the jury instructions for you
01:33:43 PM		will go to closing
01:39:06 PM		
01:49:01 PM		Jury instructions placed on the jurors chars any objections?
01:49:18 PM	Counsel	no objections
01:49:26 PM		<b>JURY ENTERS</b>
01:49:55 PM	Judge Moody	Comments to the jury about the jury instructions
01:50:15 PM	Defense Attorney	Defense Rests
01:50:20 PM	States Attorney	No Rebuttal evidence
01:50:26 PM	Judge Moody	Post-proof jury instructions
01:59:26 PM		Addresses the question about how long they would like to stay or if they would like to come back tomorrow.
02:00:11 PM	States Attorney	Closing Argument
02:15:32 PM	Defense Attorney	Closing Argument
02:21:23 PM	States Attorney	Final Argument
02:28:03 PM	Judge Moody	Alternate juror selected asked to provide contact information to the bailiff
02:28:50 PM		164
02:29:19 PM		Bailiff Sworn
02:29:31 PM		<b>JURY EXITS</b>
02:29:58 PM	Judge Moody	discussion of any possible jury questions will come back on the record
02:30:16 PM		The wire is going back with the jury
02:30:32 PM		anything to take up at this time?
02:30:40 PM		will let you know when there is a verdict
02:30:48 PM		recess
02:33:09 PM		

04:10:30 PM	Judge Moody	outside presence of the jury
04:10:38 PM		Question from the jury and a response, will be made part of the record
04:10:56 PM	Counsel	no objections
04:11:00 PM	Judge Moody	will give to the jury
04:11:09 PM		recess
04:11:14 PM		
06:34:07 PM		
06:34:10 PM		back on the record outside the presence, have a verdict
06:34:32 PM	Defense Attorney	Will not have jury decide Info Part II
06:35:11 PM		<b>JURY ENTERS</b>
06:35:39 PM	Judge Moody	The jury has reached a unanimous verdict
06:35:55 PM		tendered to the bailiff
06:35:59 PM		reading of the verdict
06:36:04 PM		Count 1 - Guilty
06:36:13 PM		Count 2 - Guilty
06:36:25 PM		dated and signed by the presiding jury
06:36:38 PM		would the defendant like to have the jury polled
06:36:46 PM	Judge Moody	Polling of the jury
06:37:42 PM		all jurors said yes
06:37:48 PM		asks the jurors to remain in the jury room for 10-15 more minutes
06:38:04 PM		<b>JURY EXITS</b>
06:38:31 PM	Judge Moody	Do you have a copy of the Info Part II
06:39:08 PM		will order a PSI and Set 08/09/2017 @ 9:00 am
06:39:50 PM	Defendant	does not wish to have a PSI
06:40:02 PM	States Attorney	No objection
06:40:09 PM	Judge Moody	Will not order a PSI
06:40:43 PM		07/07/2017 @ 9:00 am
06:40:48 PM		CT Questions defendant about PSI
06:41:22 PM		Defendant Sworn
06:41:26 PM		cont. questions defendant
06:41:34 PM		Admits prior conviction Ada County Judge Bail
06:41:54 PM		CR99-2330 admit Washou Nevada
06:43:23 PM		will go speak to the jury, counsel is welcome to come with me

06:43:35 PM	Counsel	nothing additional
06:43:55 PM		End of Case
06:43:55 PM		
06:43:55 PM		
06:43:55 PM		
06:43:55 PM		

MAY 31 2017

CHRISTOPHER D. RICH, Clerk  
By ANNAMARIE MEYER  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01 17-02856

JURY INSTRUCTIONS  
HON. MELISSA MOODY  
District Judge  
Presiding



## INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. At the end of the trial I will give you more detailed guidance on how you are to reach your decision.

Because the prosecution has the burden of proof, it goes first. After the prosecution's opening statement, the defense may make an opening statement or may wait until the prosecution has presented its case.

The prosecution will offer evidence that it says will support the charges against the Defendant. The defense may then present evidence but is not required to do so. If the defense does present evidence, the state may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

After you have heard all the evidence, I will give you additional instructions on the law. After you have heard the instructions, the prosecution and the defense will each be given time for closing arguments. In their closing arguments, they will summarize the evidence to help you understand how it relates to the law. Just as the opening statements are not evidence, neither are the closing arguments.

After the closing arguments, you will leave the courtroom together to make your decision. During your deliberations, you will have with you my instructions, the exhibits admitted into evidence, and any notes taken by you in court.

You will not have with you, during deliberations, your cell phones or other electronic devices. However, if there is an emergency, you can provide your friends and family with a phone number to contact you through our jury commissioner's office. The bailiff will give you further instruction on this.



## INSTRUCTION NO. 2

If you wish, you may take notes to help you remember what witnesses said. You should not let note-taking distract you so that you do not hear other answers by witnesses.

If you do take notes, please keep them to yourself until you and your fellow jurors begin your deliberations. When you leave at night, please leave your notes in the jury room.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors.

In addition, you cannot assign to one person the duty of taking notes for all of you.

### INSTRUCTION NO. 3

Your duties are to determine the facts, to apply the law set forth in the instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion about what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts.

The production of evidence in court is governed by rules of law. At times during trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

During the trial, I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are

not to speculate about any such discussions. They are necessary from time to time to help the trial run more smoothly.

Some of you have probably heard the terms “circumstantial evidence,” “direct evidence” and “hearsay evidence.” Do not be concerned with these terms. You are to consider all of the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it. There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations. In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your job is to think about the testimony of each witness you heard and decide how much you believe of what he or she had to say.

#### INSTRUCTION NO. 4

The charging document that I read to you is not to be considered as evidence but is a mere formal charge against the Defendant. You must not consider it as evidence of guilt, and you must not be influenced by the fact that charges have been filed.

Under our law and system of justice, a defendant is presumed to be innocent. The presumption of innocence means two things. First, the State has the burden of proving the Defendant guilty. The State has that burden throughout the trial. The Defendant is never required to prove his innocence, nor does the Defendant ever have to produce any evidence at all.

Second, the State must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the Defendant's guilt, you must find the Defendant not guilty.

## INSTRUCTION NO. 5

It is important that as sworn jurors and officers of this court you obey the following instructions any time you leave the jury box, whether for recesses of the court during the day or when you leave the courtroom to go home at night.

During the course of this trial you are instructed that you are not to discuss this case among yourselves or with anyone else, nor to form an opinion about the merits of the case until after the case has been submitted to you for determination.

“Do not discuss” means do not text, tweet, blog, email or otherwise communicate anything about this case. If you do not scrupulously follow this instruction, it could result in a mistrial in which the case would start over with an entirely new jury.

Do not discuss this case with other jurors until you begin your deliberations at the end of the trial. Do not attempt to decide the case until you begin your deliberations.

I may give you some form of this instruction repeatedly. I do that not to insult you, or because I don't think you are paying attention, but because experience has shown that it is one of the hardest instructions for jurors to follow. I know of no other situation in our culture where we ask strangers to sit together watching and listening to something, then go into a little room together and not talk about the one thing they have in common: what they just saw and heard.

There are at least two reasons for this rule. The first is to help you keep an open mind. When you talk about things, you start to make decisions about them and it is extremely important that you not make any decisions about this case until you have heard all the evidence and all the rules for making your decisions, and you won't have that until the end of trial. The second reason for the rule is that we want all of you working together on this decision when you deliberate. If you have conversations in groups of two or three during the trial, you may not

remember to repeat all of your thoughts and observations for the rest of your fellow jurors when you deliberate at the end of the trial.

Ignore any attempted improper communication. If any person tries to talk to you about this case, tell that person you cannot discuss the case because you are a juror. If that person persists, simply walk away and report the incident to the bailiff.

Do not make any independent personal investigations into any facts or locations connected with this case. Do not look up any information from any source, including the internet. Do not communicate any private or special knowledge about any of the facts of this case to your fellow jurors. Do not read or listen to any news reports about this case or about anyone involved in this case, whether those reports are in newspapers or the internet, or on radio or television.

In our daily lives we may be used to looking for information on-line and to "Google" something as a matter of routine. In trial, it can be very tempting for jurors to do their own research to make sure they are making the correct decision. You must resist that temptation for our system to work as it should.

#### INSTRUCTION NO. 6

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the Defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

#### INSTRUCTION NO. 7

If during trial I may say or do anything which suggests to you that I am inclined to favor the claims or position of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.

#### INSTRUCTION NO. 8

You have now heard all the evidence in the case. My duty is to instruct you as to the law. You must follow all the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.

#### INSTRUCTION NO. 9

The original instructions and admitted exhibits will be with you in the jury room. The original jury instructions and exhibits are part of the official court record. For this reason, please do not mark on them or alter them in any way.

The instructions are numbered for convenience in referring to specific instructions. There may or may not be a gap in the numbering of the instructions. If there is, you should not concern yourselves about such gap.



## INSTRUCTION NO. 10

As members of the jury it is your duty to decide what the facts are and to apply the law to the facts. You are to decide the facts from the evidence presented in the case.

The evidence you are to consider consists of:

1. Sworn testimony of witnesses;
2. Exhibits which have been admitted;

Certain things you have heard or seen are NOT evidence, including:

1. Arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;

2. Testimony that has been excluded or stricken, or which you have been instructed to disregard;

3. Anything you may have heard or seen when the court was not in session

INSTRUCTION NO. 11

It is alleged that the crimes charged were committed "on or about" a certain date. If you find the crime was committed, the proof need not show that it was committed on that precise date.

### INSTRUCTION NO. 12

In order for the Defendant, Robert Ray Ferguson, to be guilty of Aggravated Battery, the State must prove each of the following:

1. On or about January 27, 2017
2. in the State of Idaho
3. the Defendant, Robert Ray Ferguson, committed a battery upon Danielle Washburn
4. by placing a metal wire around Danielle Washburn's throat and strangling Danielle Washburn, and
5. when doing so the Defendant used a deadly weapon or instrument.

If any of the above has not been proven beyond a reasonable doubt, you must find Defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the Defendant guilty.

### INSTRUCTION NO. 13

A "battery" is committed when a person:

- (1) willfully and unlawfully uses force or violence upon the person of another; or
- (2) actually, intentionally and unlawfully touches or strikes another person against the will of the other; or
- (3) unlawfully and intentionally causes bodily harm to an individual.

#### INSTRUCTION NO. 14

A "deadly weapon or instrument" is one likely to produce death or great bodily injury. It also includes any other object that is capable of being used in a deadly or dangerous manner if the person intends to use it as a weapon.

#### INSTRUCTION NO. 15

If you find the Defendant guilty of Aggravated Battery, you must next consider whether the Defendant displayed, used, threatened or attempted to use a deadly weapon in the commission of the crime.

A deadly weapon is any object, instrument or weapon which is capable of producing, and likely to produce, death or great bodily injury.

If you unanimously find beyond a reasonable doubt that the Defendant used, displayed, threatened with or attempted to use a deadly weapon in the commission of the above crime, then you must so indicate on the verdict form submitted to you. If, on the other hand, you cannot make such a finding, then you must make that indication on the verdict form.

INSTRUCTION NO. 16

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the court is expressing any opinion as to the facts.

## INSTRUCTION NO. 17

In a few minutes, counsel will present their closing remarks to you and then you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys state the facts, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law given to you in these instructions.

Consult with one another. Consider each other's views and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

None of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of a defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.

#### INSTRUCTION NO. 18

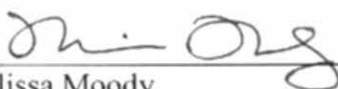
Upon retiring to the jury room, select one of you as a presiding officer, who will preside over your deliberations. It is that person's duty to see that discussion is orderly; that the issues submitted for your decision are fully and fairly discussed; and that every juror has a chance to express himself or herself upon each question.

In this case, your verdict must be unanimous. When you all arrive at a verdict, the presiding officer will sign it and you will return it into open court.

Your verdict in this case cannot be arrived at by chance, by lot, or by compromise. If, after considering all of the instructions in their entirety, and after having fully discussed the evidence before you, the jury determines that it is necessary to communicate with me, you may send a note by the bailiff. You are not to reveal to me or anyone else how the jury stands until you have reached a verdict or unless you are instructed by me to do so.

A verdict form suitable to any conclusion you may reach will be submitted to you with these instructions.

Dated this 31<sup>st</sup> day of May 2017.

  
\_\_\_\_\_  
Melissa Moody  
District Judge

MAY 31 2017

CHRISTOPHER D. RICH, Clerk  
By ANNAMARIE MEYER,  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO, )

Plaintiff, )

vs. )

ROBERT RAY FERGUSON, )

Defendant. )  
\_\_\_\_\_ )

Case No. CR01 17-02856

VERDICT

On the charge of Aggravated Battery, we, the Jury, unanimously find the Defendant,  
Robert Ray Ferguson:

\_\_\_\_ NOT GUILTY

X GUILTY

On the charge of Use of a Deadly Weapon During the Commission of a Crime, we, the  
Jury, unanimously find the Defendant, Robert Ray Ferguson:

\_\_\_\_ NOT GUILTY

X GUILTY

Dated this 31 day of May 2017.

\_\_\_\_\_  
(Presiding Juror)



JUN 14 2017

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICH, Clerk  
By ANNAMARIE MEYER  
DEPUTY

STATE OF IDAHO,  
Plaintiff

v.

ROBERT FERGUSON,  
Defendant

Case No. CR01-17-02856

Order Transferring Exhibits, I.C.A.R. 71

Upon recommendation of the clerk and stipulation of the parties that the following exhibits pose a security, storage or safety problem, the Court hereby orders that, pursuant to Idaho Court Administrative Rule 71, the following exhibits be returned to the prosecutor.

The exhibits to be returned are:

#6 Garrote Wire

\_\_\_\_\_

\_\_\_\_\_

No later than July 20, 2017, the prosecutor must provide to the Court clerk a complete photographic record of the exhibits returned. **The prosecutor is responsible for maintaining and preserving the exhibit until further order of the court.** All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial.

If required by the court, the party to whom it was returned shall promptly deliver the exhibit to the court, with notice to all parties,

**IT IS SO ORDERED.**

Dated: June 14, 2017

  
Judge



Time	Speaker	Note
09:04:25 AM	Judge Moody	<b>State v. Robert Ferguson PD</b> CR01-17-02856 C SH
09:04:30 AM	States Attorney	Brett Judd
09:04:31 AM	Defense Attorney	Ransom Bailey
09:04:32 AM	Defendant	Defendant Present In-Custody
09:04:32 AM	Judge Moody	Reviews file
09:10:07 AM	Defense Attorney	Reviews c-notes and PO notes asks for time
09:10:32 AM	Judge Moody	will recall
09:10:38 AM		End of Case
10:00:37 AM	Judge Moody	<b>State v. Robert Ferguson PD</b> CR01-17-02856 C SH
10:00:46 AM	recalls	same parties present
10:00:55 AM	Judge Moody	Do you need any more time?
10:01:00 AM	Defense Attorney	No, comments on PO-c-notes
10:01:19 AM	Judge Moody	questions defendant about going forward today
10:02:04 AM	Defendant	would like to go forward to SH today
10:02:21 AM	Defense Attorney	addresses c-notes
10:04:00 AM	Defendant	comments on time in prison and c-notes
10:04:55 AM	Defense Attorney	cont. addressing c-notes
10:05:22 AM	States Attorney	Rec's
10:12:11 AM	Defense Attorney	Rec's
10:19:18 AM	Defendant	Statement
10:23:57 AM	Judge Moody	Addresses defendant
10:25:42 AM		JOC - AG Battery - 15+Life, Part II 5 years concurrent, weapons enhancement 5 years concurrent, no fines, 7984.65 rest. , CC, No PD reimbursement, CTS=162
10:28:36 AM		End of Case

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF **JUL 07 2017**

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
By **CHRISTOPHER D. RICH, Clerk**  
**ANNAMARIE MEYER**  
DEPUTY

State of Idaho  
Plaintiff,  
vs.  
Robert Ray Ferguson  
Defendant.

Case No. CR01-17-02856  
Custody Order to Sheriff  
Event Code: COSH

**TO THE SHERIFF OF ADA COUNTY, STATE OF IDAHO:**

You are ordered to **TAKE INTO YOUR CUSTODY** the Defendant and keep him/her in your custody for the following reason:

- ☐ Defendant has been sentenced to County incarceration (\_\_\_\_ days in Ada County Jail). A formal commitment will follow.
- ☒ Defendant has been sentenced to I.D.O.C. (\_\_\_\_ yrs = 15 yrs FIXED + LIFE yrs INDETERMINATE) A formal commitment will follow. ☐ Retained Jurisdiction.
- ☐ Defendant's probation has been revoked.
- ☐ Defendant's **Bond/ROR** has been revoked.  
☐ Bond set at \$\_\_\_\_.  
☐ NO BOND.  
☐ Bond increased to \$\_\_\_\_.  
☐ Bond reduced to \$\_\_\_\_.
- ☐ Defendant to be kept in custody. Defendant's custody status to be determined by \_\_\_\_.

☐ **YOU ARE HEREBY ORDERED TO KEEP THE DEFENDANT IN THE ADA COUNTY JAIL UNTIL \_\_\_\_\_.**

☐ You are hereby ordered to **RELEASE** Defendant from your custody for the following reason:

- ☐ Defendant is released on his/her own recognizance.  
☐ The above case is dismissed against this Defendant.  
☐ Defendant has been sentenced and has served all of his/her custody time.

**IT IS SO ORDERED.**

Dated: 07/07/2017

  
\_\_\_\_\_  
Melissa Moody  
Judge

FILED By: Yuri Maxwell Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

DOB: [REDACTED]  
SSN: [REDACTED]

Case No. CR01-17-2856

JUDGMENT OF CONVICTION AND  
COMMITMENT

On the 7th day of July 2017, this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of Brett Judd, Deputy Ada County Prosecuting Attorney, the Defendant, and Ransom Bailey, Deputy Ada County Public Defender, counsel for the Defendant, in court.

The Defendant was found guilty on May 31, 2017, of the crimes of COUNT I: AGGRAVATED BATTERY, FELONY, I.C. §§ 18-903(a), -907(b), and COUNT II: USE OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. § 19-2520, committed on or about January 27, 2017. Also, on May 31, 2017, the Defendant entered a plea of guilty to the Information Part II filed on May 19, 2017, charging him with being a PERSISTENT VIOLATOR, FELONY, I.C. § 19-2514. The Defendant waived his right to a presentence report and a delay prior to sentencing.

The Court, having found no legal cause or reason why judgment and sentence should not be pronounced against the Defendant at this time; does hereby render its judgment as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant is guilty of the crimes of COUNT I: AGGRAVATED BATTERY, FELONY, I.C. §§ 18-903(a), -907(b), COUNT II: USE OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. § 19-2520, and of the Information Part II: PERSISTENT VIOLATOR, FELONY, I.C. § 19-2514, and that he be sentenced to the custody of the State Board of Correction of the State of Idaho, as follows:

**Count I (Aggravated Battery, Felony**, as enhanced by the Persistent Violator of the Law charge contained in the Information Part II): for an aggregate term of fifteen (15) years FIXED, and an indeterminate term of LIFE.

**Count II (Use of a Deadly Weapon During the Commission of a Crime, Felony)**: for a term not to exceed five (5) years: with the first five (5) years of said term to be FIXED, and with the remaining zero (0) years of said term to be indeterminate, to run concurrently with the sentence imposed in Count I.

Pursuant to I.C. § 31-3201A, the Defendant shall pay court costs on Counts I and II in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4602; P.O.S.T. Academy fees in the amount of \$15.00 pursuant to I.C. § 31-3201B; ISTARs technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5); \$75.00 to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; \$15.00 victim notification fee pursuant to I.C. § 31-3204; and \$100.00

emergency surcharge fee pursuant to I.C. § 31-3201H, to be paid through the Clerk of the District Court. **The Defendant owes \$491.00 in total court costs. The court costs total is in addition to any other moneys owed.**

Pursuant to I.C. § 19-5304 the Defendant shall pay restitution in the amount of **\$7,984.65**, which shall bear interest at the statutory rate of 5.625% per annum until paid in full. Restitution payments shall be made through the Clerk of the District Court.

The Defendant shall submit a DNA sample and right thumbprint impression to the State of Idaho database as required under Idaho law.

The Defendant was then remanded to the custody of the Sheriff of Ada County, to be delivered forthwith by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

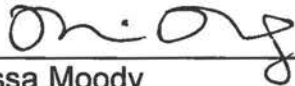
The Defendant shall receive credit for one hundred sixty-two (162) days served as of July 7, 2017. This is the total credit to date.

#### **NOTICE OF RIGHT TO APPEAL**

YOU, ROBERT RAY FERGUSON, ARE HEREBY NOTIFIED that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for the appointment of counsel at public expense and to apply for leave to file the appeal *in forma pauperis*.

DATED this 7<sup>th</sup> day of July 2017.

  
\_\_\_\_\_  
Melissa Moody  
District Judge



**CERTIFICATE OF SERVICE**

I do hereby certify that on July 10, 2017, I caused to be emailed/mailed one copy of the within instrument in this cause as follows:

**ADA COUNTY PROSECUTING ATTORNEY'S OFFICE**

VIA EMAIL: acpocourtdocs@adaweb.net

**ADA COUNTY PUBLIC DEFENDER'S OFFICE**

VIA EMAIL: public.defender@adacounty.id.gov

PRESENTENCE INVESTIGATION TEAM/DEPT. OF PROBATION & PAROLE  
VIA EMAIL

IDAHO DEPARTMENT OF CORRECTION  
VIA EMAIL


ADA COUNTY JAIL  
VIA EMAIL



CHRISTOPHER D. RICH  
Clerk of the District Court

By: \_\_\_\_\_  
Deputy Court Clerk



FILED By:  Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
Fax: (208) 287-7709  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	<b>Case No. CR01-17-02856</b>
vs.	)	
	)	
ROBERT RAY FERGUSON,	)	<b>ORDER FOR RESTITUTION AND</b>
	)	<b>JUDGMENT</b>
Defendant.	)	
_____	)	

**WHEREAS**, on the \_\_\_\_\_, a Judgment of Conviction was entered against the defendant, ROBERT RAY FERGUSON, and therefore pursuant to Idaho Code §19-5304 and based on evidence presented to this Court,

**IT IS HEREBY ORDERED**, that the defendant, ROBERT RAY FERGUSON, shall make restitution to the victim(s) in the amount of **\$7,984.65**, as follows:

**RESTITUTION – CRIME VICTIM**

ST LUKES	\$7,172.30
VICTIMS COMPENSATION PROGRAM	\$812.35
<b>TOTAL:</b>	<b>\$7,984.65</b>

For crime victim restitution above, pursuant to I.C. §19-5305 this Order may be recorded as a judgment against the defendant, ROBERT RAY FERGUSON, and the listed victim(s) may execute as provided by law for civil judgments.

**FURTHER**, this Court Orders that it shall reserve jurisdiction for the State to file a motion to modify or increase restitution for the victim's medical and counseling costs related to this defendant's criminal conduct. This Court reserves jurisdiction over the amount of medical and counseling costs because these are costs not yet known and not yet incurred.

**FURTHER**, it is the responsibility of the defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

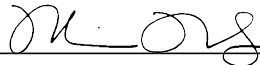
Post judgment interest on said restitution amount will accrue from the date of this Order and Judgment at the rate specified in Idaho Code §28-22-104.

**IT IS SO ORDERED.**

**DATED** July 13, 2017 \_\_\_\_\_

Signed: 7/13/2017 02:37 PM

Judge



**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on 07/13/2017, I served the foregoing document upon the following attorneys, persons and agencies at the addresses listed below.

Ransom J. Bailey  
Ada County Public Defender  
200 W. Front St. Rm 1107  
Boise, ID 83702

[ ☐ ] U.S. Mail, postage prepaid  
[ ☐ ] Facsimile  
[ ☒ ] Email  
[public.defender@adacounty.id.gov](mailto:public.defender@adacounty.id.gov)

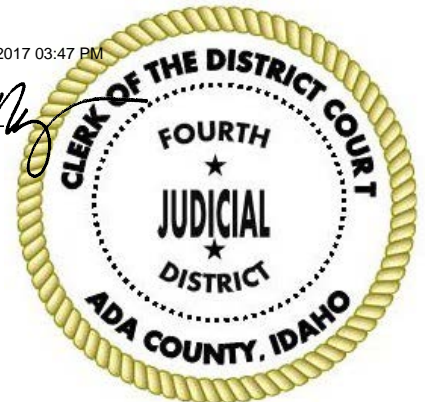
Brett B. Judd  
Deputy Prosecuting Attorney  
200 W. Front St. Rm 3191  
Boise, ID 83702

[ ☐ ] U.S. Mail, postage prepaid  
[ ☐ ] Facsimile  
[ ☒ ] Email  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

**CHRISTOPHER D. RICH**  
Ada County Clerk of the Court

Signed: 7/13/2017 03:47 PM

\_\_\_\_\_  
Deputy Clerk



ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant-Appellant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Boise, Idaho 83702  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

**JUL 18 2017**

CHRISTOPHER D. RICH, Clerk  
By BRENDA RUCKDASHEL  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ROBERT RAY FERGUSON,

Defendant-Appellant.

Case No. CR-01-17-2856

**NOTICE OF APPEAL**


TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK  
OF THE ABOVE-ENTITLED COURT.

**NOTICE IS HEREBY GIVEN THAT:**

1. The above-named Appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction and Commitment entered against him in the above-entitled action on July 10, 2017, the Honorable Melissa Moody, District Judge presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under, and pursuant to, IAR 11(c)(1-9).
3. A preliminary statement of the issues on appeal, which the Appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal is:
  - a) Did the District Court abuse its discretion by imposing an excessive sentence?
4. There is a portion of the record that is sealed. That portion of the record that is sealed is the pre-sentence investigation report (PSI).

5. Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by IAR 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
  - a) Sentencing hearing held July 10, 2017 (Court Reporter: Tiffany Fisher, no estimation of pages are listed on the Register of Actions).
6. Clerk's Record. The Appellant requests the standard clerk's record pursuant to IAR 28(b)(2). In addition to those documents automatically included under IAR 28(b)(2), Appellant also requests that any exhibits, including but not limited to letters or victim impact statements, addenda to the PSI, or other items offered at the sentencing hearing be included in the Clerk's Record.
7. I certify:
  - a) That a copy of this Notice of Appeal has been served on the Court Reporter(s), Tiffany Fisher.
  - b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent. (I.C. §§ 31-3220, 31-3220A, IAR 27(f)).
  - c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, IAR 23(a)(8)).
  - d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent (I.C. §§ 31-3220, 31-3220A, IAR 24(h)).
  - e) That service has been made upon all parties required to be served pursuant to IAR 20.

DATED this 18<sup>th</sup> day of July 2017.

  
\_\_\_\_\_  
RANSOM J. BAILEY  
Attorney for Defendant

**CERTIFICATE OF MAILING**

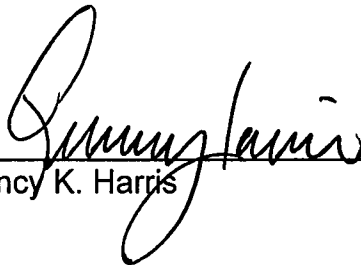
I HEREBY CERTIFY, that on this 18 day of July 2017, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General  
Criminal Division  
Joe R. Williams Bldg., 4<sup>th</sup> Flr.  
Statehouse Mail

Office of the State Appellate Public Defender  
322 E. Front Street, Ste 570  
Boise, ID 83702

Tiffany Fisher  
Court Reporter  
Interdepartmental Mail

Brett B. Judd  
Ada County Prosecutor's Office  
Interdepartmental Mail

  
\_\_\_\_\_  
Quincy K. Harris

JUL 20 2017

CHRISTOPHER D. RICH, Clerk  
By ANNAMARIE MEYER  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR-01-17-2856

**ORDER TO EXTEND  
DEADLINE TO TRANSFER  
EXHIBITS**

For good cause shown, the July 20<sup>th</sup>, 2017 deadline contained in the Court's June 14, 2017

Order Transferring Exhibits is hereby extended to July 27, 2017.

**IT IS SO ORDERED**

**DATED** this 20<sup>th</sup> day of July 2017.

  
\_\_\_\_\_  
Melissa Moody, District Judge

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20<sup>th</sup> day of July, 2017, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, or hand-delivered, to:

BRETT JUDD  
DEPUTY ADA COUNTY PROSECUTOR  
INTERDEPARTMENTAL MAIL/EMAIL

RANSOM BAILEY  
ADA COUNTY PUBLIC DEFENDER  
INTERDEPARTMENTAL MAIL/EMAIL

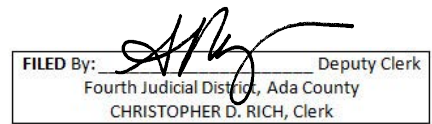
CHRISTOPHER D. RICH  
Clerk of the District Court

By:   
Deputy Court Clerk

ORDER

000139





ADA COUNTY PUBLIC DEFENDER  
Attorney for Defendant  
RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER ON  
DIRECT APPEAL

Defendant has elected to pursue a direct appeal in the above-entitled matter. Defendant, being indigent and having heretofore been represented by the Ada County Public Defender in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent Defendant in all matters pertaining to the direct appeal.

ORDERED: July 20, 2017

Signed: 7/20/2017 02:05 PM

M. O. S.  
Melissa Moody  
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on

07/21/2017

, I served a true and correct electronic copy to:

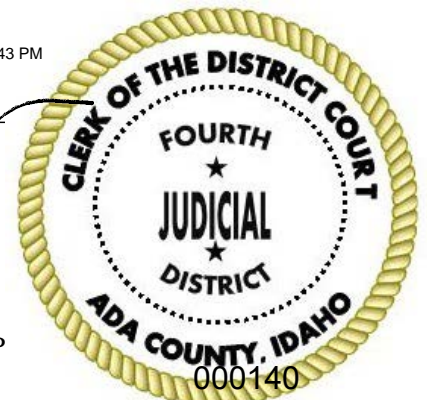
Ada County Prosecutor	acpocourtdocs@adaweb.net
Ada County Public Defender	public.defender@adacounty.id.gov
State Appellate Public Defender	documents@sapd.state.id.us

**CHRISTOPHER D. RICH**

Ada County Clerk of the Court

Signed: 7/21/2017 02:43 PM

Deputy Clerk



ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER ON DIRECT APP

000140

ORIGINAL

ERIC D. FREDERICKSEN  
State Appellate Public Defender  
I.S.B. #6555

ELIZABETH ANN ALLRED  
Deputy State Appellate Public Defender  
I.S.B. #7259  
322 E. Front Street, Suite 570  
Boise, Idaho 83702  
Phone: (208) 334-2712  
Fax: (208) 334-2985  
E-mail: [documents@sapd.state.id.us](mailto:documents@sapd.state.id.us)

NO. \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 3:11

AUG 25 2017

CHRISTOPHER D. RICH, Clerk  
By BRIT CHARTERS  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	CASE NO. CR01-17-2856
	)	
v.	)	S.C. DOCKET NO. 45271
	)	
ROBERT RAY FERGUSON,	)	AMENDED
	)	NOTICE OF APPEAL
Defendant-Appellant.	)	
_____	)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO AND THE PARTY'S ATTORNEYS, JAN M. BENNETTS, ADA COUNTY PROSECUTOR, 200 WEST FRONT STREET, BOISE, ID 83702, STATEHOUSE MAIL, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above named respondent to the Idaho Supreme Court from the Judgment of Conviction and Commitment entered in the above entitled action on the 10<sup>th</sup> day of July, 2017, the Honorable Melissa Moody, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rules (I.A.R.) 11(c)(1-9).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal is:

(a) Did the district court abuse its discretion by imposing an excessive sentence?

(b) Was there sufficient evidence to convict Appellant?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Presentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Motion in Limine Hearing held May 5, 2017 (Court Reporter: Tiffany Fisher, no estimation of pages is listed on the Register of Actions);

(b) Pretrial Conference held May 19, 2017 (Court Reporter: Tiffany Fisher, no estimation of pages is listed on the Register of Actions);

(c) Jury Trial held on May 30-31, 2017, to include the voir dire, opening statements, closing arguments, jury instruction conferences, any hearings regarding questions from the jury during deliberations, return of the verdict, any polling of the jurors, and any argument on motion or objections (Court Reporter: Tiffany Fisher, no estimation of pages is listed on the Register of Actions); and

- (b) Sentencing Hearing held on July 7, 2017 (Court Reporter: Tiffany Fisher, no estimation of pages is listed on the Register of Actions).
6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2), and all exhibits, recordings, and documents for I.A.R. 31. The Appellant requests the following documents to be included in the Clerk's Record, in addition to those automatically included under I.A.R. 28(b)(2) and I.A.R. 31:
- (a) Exhibit List/Log filed February 17, 2017;
  - (b) Witness List filed April 25, 2017;
  - (c) Transcript Filed – Preliminary Hearing February 17, 2017 filed April 27, 2017;
  - (d) Witness List filed May 17, 2017;
  - (e) Exhibit List filed May 19, 2017;
  - (f) Witness List filed May 19, 2017;
  - (g) Exhibit List filed May 19, 2017;
  - (h) State's Amended Exhibit List filed May 30, 2017;
  - (i) Jury Instructions Filed May 31, 2017;
  - (j) Exhibit List/Log filed June 14, 2017; and
  - (k) Any exhibits, including but not limited to the PSI, letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing. Except that any pictures or depictions of child pornography necessary to the appeal need not be sent, but maybe sought later by motion to the Idaho Supreme Court.
7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the court reporter(s), Tiffany Fisher;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (I.C. §§ 31-3220, 31-3220A, I.A.R. 27(f));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Ada County who will be responsible for paying for the reporter's transcript, as the client is indigent, (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(h)); and
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 25<sup>th</sup> day of August, 2017.



---

ELIZABETH ANN ALLRED  
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 25<sup>th</sup> day of August, 2017, caused a true and correct of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

RANSOM J BAILEY  
ADA COUNTY PUBLIC DEFENDER  
200 W FRONT ST STE 1107  
BOISE ID 83702  
STATEHOUSE MAIL

TIFFANY FISHER  
COURT REPORTER  
200 W FRONT STREET  
BOISE ID 83702  
STATEHOUSE MAIL

JAN M BENNETTS  
ADA COUNTY PROSECUTOR  
200 WEST FRONT STREET  
BOISE ID 83702  
STATEHOUSE MAIL

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL - CRIMINAL DIVISION  
Hand-deliver to Attorney General's mailbox at Supreme Court

  
MARY ANN LARA  
Administrative Assistant

EAA/mal

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
Plaintiff,

vs.

ROBERT RAY FERGUSON,  
Defendant.

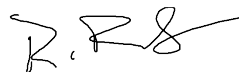
Case No. CR01-17-02856

MOTION FOR RECONSIDERATION OF  
SENTENCE

COMES NOW, Robert Ray Ferguson, the above-named Defendant, by and through counsel, Ransom J. Bailey, of the Ada County Public Defender's office, and moves this Honorable Court pursuant to ICR 35 for its reconsideration of sentence upon the grounds and for the reasons that Defendant requests leniency.

Defendant further asks this Court grant leave in order to supplement this motion further with supporting documentation and/or other evidence.

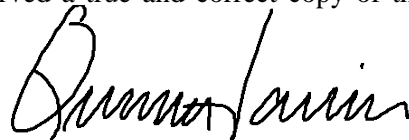
DATED September 05, 2017.



Ransom J. Bailey  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on September 05, 2017, I served a true and correct copy of the within instrument to the Ada County Prosecutor.



Quincy Harris

8-21

TO: Judge Melissa Moody

FROM: Robert Ray Ferguson #103984  
ISCC Unit 6-5-23-A  
P.O. Box 70010  
Boise, ID 83707

Your Honor,

The following are classes I will be enrolled in here in prison. The classes include CSC, Anger Management, and Thinking for a Change. My work history is I have always been self-employed. I have sub-contracted work thru Mark Fetters of Stone Master's of Idaho. Mark is also a friend and is an witness in my case. He stated, "I have always worked for him". He also sent a letter to you on my behalf.

I ask you to reconsider the sentence you gave me? My mother is 80 years old has less than half of her lung capacity and is ill. My mom needs me out there to help take care of her. My fiance Miss Snow is pregnant, I would like too and need to be a parent to my child. Also possibly marriage to Miss Snow.



I am 53 years old and not a threat to society. I feel the sentencing was excessive. Furthermore, in 15 years my mom will have passed. I also would like to be a parent to my children and grandchildren. Also what kind of social structure will I have after 15 years in prison? I ask you to reconsider the fixed 15 years of my sentence, so I can spend time with my mother, family, and unborn child.

Respectively,  
Robert Lay Ferguson

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

Signed: 9/23/2017 05:00 PM

**Brett B. Judd**  
Deputy Prosecuting Attorney  
Idaho State Bar No. 8290  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
Fax: (208) 287-7709  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

mm

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

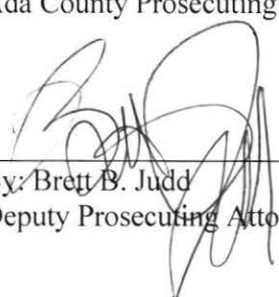
**STIPULATION TO MODIFY  
RESTITUTION**


**COMES NOW**, Brett B. Judd, Deputy Ada County Prosecuting Attorney, in and for the County of Ada, State of Idaho, and Ransom J. Bailey, Attorney for the above named defendant, ROBERT RAY FERGUSON, hereby stipulate and agree to modify the conditions of probation by decreasing the restitution owed by \$713.87 in the above mentioned matter from \$7,984.65 to \$7,270.78 based upon the following:


Victims Compensation Program has issued payment to St Lukes on behalf of the Victim in this case. (see attached documentation).

DATED this 14<sup>th</sup> day of September, 2017.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

  
By: Brett B. Judd  
Deputy Prosecuting Attorney

  
Ransom J. Bailey  
Attorney for the Defendant

  
Robert Ray Ferguson  
Defendant



# IDAHO INDUSTRIAL COMMISSION

P.O. Box 83720  
Boise, ID 83720-0041  
(208) 334-6000 - FAX (208) 332-7559  
1-800-950-2110

COMMISSIONERS  
R. D. Maynard, Chairman  
Thomas E. Limbaugh  
Thomas P. Baskin

C.L." BUTCH "OTTER, GOVERNOR

Mindy Montgomery, Director

09/14/2017

CHELSIE RENK (F-J)  
ADA COUNTY RESTITUTION OFFICE  
200 W FRONT ST  
SUITE 3191  
BOISE, ID 83702

Re: Claimant/CV No: Danielle Washburn 2017000333  
Defendant(s)/Case No: Robert R Ferguson CR01-17-02856

Dear Chelsie:

The Crime Victims Compensation Program (CVCP) is requesting restitution for payments made on behalf of Danielle Washburn. Attached is a payment summary itemizing the payments made by CVCP.

**Total Amount of Restitution Requested by CVCP: \$4,673.13**

Please request the court to order restitution to reimburse CVCP for the amount listed above. Please forward a copy of the restitution order to our office for our records.

If restitution has previously been ordered or the case is closed, please contact our office at (800) 950-2110 or (208) 334-6080. Thank you.

Sincerely,  
Crime Victims Compensation Program

000151

INDUSTRIAL COMMISSION  
CRIME VICTIMS COMPENSATION  
Payment Summary

07/19/2017

**State of Idaho - vs -** Ferguson, Robert R

**Case Number:** CR01-17-02856

Provider	Billed Amount	Coll Src Payment	Non Allowed Amount	Allowed Amount	Reductions	CVCP Payment to Claimant	CVCP Payment to Provider
Ada County Paramedics	\$812.35		\$0.00	\$812.35			\$812.35
Boise Radiology Group PA	\$235.00		\$61.31	\$173.69			\$173.69
St Lukes Clinic/Hosp Pro Fee	\$242.00		\$21.02	\$220.98			\$220.98
St Lukes Regional Medical Ctr	\$4,332.65		\$866.54	\$3,466.11			\$3,466.11
<b>Total</b>	<b>\$5,622.00</b>	<b>\$0.00</b>	<b>\$948.87</b>	<b>\$4,673.13</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4,673.13</b>
<b>Total CVCP Payments</b>						<b><u>\$4,673.13</u></b>	

000152

St. Luke's  
190 E. Bannock Street  
Boise, ID 83712  
(208) 706-2333 or (800) 342-3432

Coverage #1: CRIME VICTIMS IDAHO

Guarantor Name & Address  
WASHBURN, DANIELLE NICOLE

Account ID  
1523104

Visit ID  
418102883

Detailed Bill For

Patient Name: WASHBURN, DANIELLE NICOLE Service Date From: 01/27/2017  
Account Class: Emergency Service Date To: 01/28/2017  
Attending Physician: Patient Clinic: BMC EMERGENCY D\*

Charges

Service Date	Proc. Code	Mod.	Description	Qty.	Amount
Professional Charges					
01/27/17	99284	PRO	EMERGENCY DEPARTMENT VISIT HIGH/UR*	1	242.00
Total professional charges:					242.00

Payments

Post Date	Recd. From	Amount
Professional Payments		
07/20/17	COMMERCIAL SUPER PAYOR	-220.98
07/21/17	COMMERCIAL	0.00
Total professional payments:		-220.98

Adjustments

Post Date	Adj. For	Amount
Professional Adjustments		
08/01/17	COMMERCIAL SUPER PAYOR	-21.02
Total professional adjustments:		-21.02

Total balance: 0.00

St. Luke's  
190 E. Bannock Street  
Boise, ID 83712  
(208) 706-2333 or (800) 342-3432

Coverage #1: CRIME VICTIMS IDAHO

Guarantor Name & Address  
WASHBURN, DANIELLE NICOLE

Account ID  
1523104

Visit ID  
418102772

Detailed Bill For

Patient Name: WASHBURN, DANIELLE NICOLE Admission Date: 01/27/2017  
Account Class: Emergency Discharge Date: 01/28/2017  
Attending Physician: COWLEY, L TAD

Charges

Service Date	Rev. Code	Proc. Code	Mod.	Description	Qty.	Amount
Hospital Charges						
01/28/17	0250	25020003		SODIUM CHLORIDE 0.9 % 0.9 % SYRG	5	12.38
01/28/17	0250	63700001		ACETAMINOPHEN 500 MG TAB	2	1.20
01/28/17	0260	26000003		HC INFUSION-HYDRATION ADD'L HRS	1	147.00
01/28/17	0260	26000011		HC INJECTION IV PUSH-SGL/1ST DRUG	1	347.00
01/27/17	0350	35000010	TC	HC CT-SOFT TISSUE NECK W/CONTRST	1	2,724.00
01/28/17	0450	45000002	25	HC EMERGENCY RM- ADVANCED	1	735.00
01/27/17	0636	25020002		SODIUM CHLORIDE 0.9 % SOLN	1	76.65
01/27/17	0636	25020002		ONDANSETRON 4 MG/2 ML SOLN	8	11.48
01/28/17	0636	25020004		IOPAMIDOL 61 % SOLN	100	277.94

Total hospital charges: 4,332.65

Summary

Rev Code	Description	Amount
0250	Pharmacy	13.58
0260	IV Therapy	494.00
0350	CT Scan	2,724.00
0450	Emergency Room	735.00
0636	Pharmacy	366.07

Payments

Post Date	Recd. From	Amount
Hospital Payments		
07/19/17	COMMERCIAL	0.00
07/21/17	COMMERCIAL	-3,466.11

Total hospital payments: -3,466.11

Adjustments

Post Date	Adj. For	Amount
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Hospital Adjustments		
07/21/17	COMMERCIAL	-866.54

Total hospital adjustments:		-866.54
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Total balance:		0.00
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

ORDER DENYING MOTION  
FOR RECONSIDERATION OF  
SENTENCE PURSUANT TO IDAHO  
CRIMINAL RULE 35

On July 7, 2017, the Court sentenced Defendant for the felony crimes of aggravated battery, in violation of Idaho Code §§ 18-903(a), -907(b), use of a deadly weapon during the commission of a crime, in violation of Idaho Code § 19-2520, and for being a persistent violator under Idaho Code § 19-2514. For the count of aggravated battery, which was enhanced by the persistent violator law, the Court imposed a life sentence, with the first fifteen (15) years fixed, followed by an indeterminate term of life. For the count of use of a deadly weapon during the commission of a crime, the Court imposed a fixed five (5) year term of incarceration. This term of incarceration was to run concurrently with the sentence imposed for the count of aggravated battery.

On September 14, 2017, Defendant filed a motion for reconsideration of sentence pursuant to Idaho Criminal Rule 35. The motion for reconsideration is based on a request for leniency.

Idaho courts have held that where the legality of a sentence is not disputed and a Rule 35 motion seeks only to have the sentence reduced, that motion is essentially a

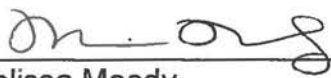
plea for leniency and the decision thereon is vested in the sound discretion of the trial court. *State v. Strand*, 137 Idaho 457, 463, 50 P.3d 472, 478 (2002); *State v. Hayes*, 138 Idaho 761, 767, 69 P.3d 181, 187 (Ct. App. 2003). A sentence that falls within the statutory maximum will not be disturbed unless a clear abuse of discretion is shown; a sentence may represent such an abuse if it is unreasonable upon the facts of the case. *State v. Hansen*, 125 Idaho 927, 930, 877 P.2d 898, 901 (1994); *State v. Akin*, 139 Idaho 160, 163, 75 P.3d 214, 217 (Ct. App. 2003). The Court determines whether the sentence imposed was reasonable or unreasonable by applying the four criteria utilized in formulating the sentence. The four criteria are: (1) protection of society, (2) deterrence to the defendant and others, (3) possibility of rehabilitation, and (4) punishment or retribution. *State v. Baker*, 136 Idaho 576, 577, 38 P.3d 614, 615 (2001).

Considering the above four criteria, the sentence imposed was reasonable. Defendant's motion for reconsideration of sentence is DENIED.

Defendant also moved for leave to supplement his motion with additional materials and/or evidence. Defendant did not identify what materials he wishes to submit or why leave should be granted for him to provide additional materials. Therefore, the motion for leave to supplement is also DENIED.

IT IS SO ORDERED.

DATED this 21<sup>st</sup> day of September 2017.

  
\_\_\_\_\_  
Melissa Moody  
District Judge

## CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of September 2017, I served a true and correct copy of the within instrument to:

Brett Judd  
Ada County Prosecutor's Office  
Email: acpocourtdocs@adaweb.net

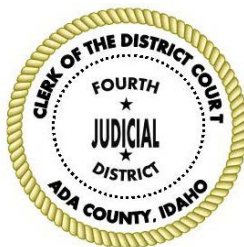
( ) U.S. Mail, Postage Prepaid  
( ) Interdepartmental Mail  
(x) Electronic Mail  
( ) Facsimile

Ransom Bailey  
Ada County Public Defender's Office  
Email: public.defender@adacounty.id.gov

( ) U.S. Mail, Postage Prepaid  
( ) Interdepartmental Mail  
(x) Electronic Mail  
( ) Facsimile

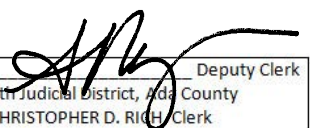
CHRISTOPHER D. RICH

Clerk of the District Court



Signed: 9/22/2017 12:24 PM

By: Kari Maxwell  
Deputy

FILED By:  Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

Signed: 9/23/2017 05:01 PM

mm

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

**ORDER TO MODIFY  
RESTITUTION**

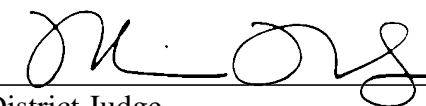
The above entitled matter having come before this Court and good cause appearing;

**IT IS ORDERED AND THIS DOES ORDER**, that the defendant pay restitution in the amount of \$7,270.78 through the Fourth Judicial District Court.

Post judgment interest on said restitution amount will accrue from the 13th day of July, 2017, the date of filing the original Order for Restitution and Judgment at the rate specified in Idaho Code §28-22-104.

**DATED** September 23, 2017

Signed: 9/23/2017 05:02 PM

  
District Judge

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on 09/23/2017, I served the foregoing document upon the following attorneys, persons and agencies at the addresses listed below.

Ransom J. Bailey  
Ada County Public Defender  
200 W. Front St. Rm 1107  
Boise, ID 83702

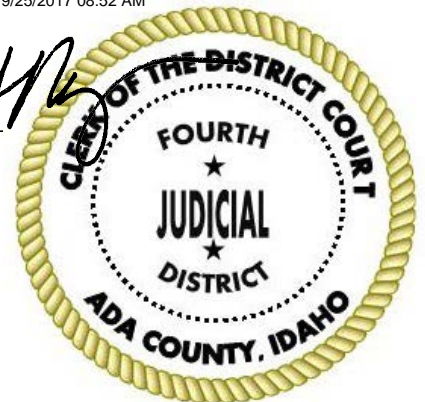
☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
[public.defender@adacounty.id.gov](mailto:public.defender@adacounty.id.gov)

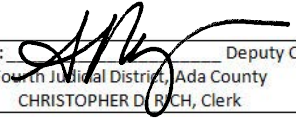
Brett B. Judd  
Deputy Prosecuting Attorney  
200 W. Front St. Rm 3191  
Boise, ID 83702

☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

**CHRISTOPHER D. RICH**  
Ada County Clerk of the Court  
Signed: 9/25/2017 08:52 AM

\_\_\_\_\_  
Deputy Clerk



FILED By:  Deputy Clerk  
Fourth Judicial District, Ada County  
CHRISTOPHER D. RICH, Clerk

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

**Brett B. Judd**  
Deputy Prosecuting Attorney  
Idaho State Bar No. 8290  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Telephone: (208) 287-7700  
Fax: (208) 287-7709  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	<b>Case No. CR01-17-02856</b>
vs.	)	
	)	
ROBERT RAY FERGUSON,	)	<b>AMENDED ORDER FOR</b>
	)	<b>RESTITUTION AND JUDGMENT</b>
Defendant.	)	
_____	)	

**WHEREAS**, on the \_\_\_\_\_, a Judgment of Conviction was entered against the defendant, ROBERT RAY FERGUSON, and therefore pursuant to Idaho Code §19-5304 and based on evidence presented to this Court, and based on the stipulation of the parties,

**IT IS HEREBY ORDERED**, that the defendant, ROBERT RAY FERGUSON, shall make restitution to the victim(s) in the amount of **\$7,270.78**, as follows:

**RESTITUTION – CRIME VICTIM**

ST LUKES	\$2,597.65
VICTIMS COMPENSATION PROGRAM	\$4,673.13

**TOTAL:**

**\$7,270.78**

For crime victim restitution above, pursuant to I.C. §19-5305 this Order may be recorded as a judgment against the defendant, Ferguson, Robert Ray, and the listed victim(s) may execute as provided by law for civil judgments.

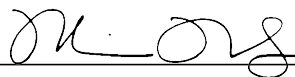
**FURTHER**, it is the responsibility of the defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

Post judgment interest on said restitution amount will accrue from the **13th day of July, 2017**, the date the original Order for Restitution and Judgment was signed, at the rate specified in Idaho Code §28-22-104.

**IT IS SO ORDERED.**

**DATED** September 23, 2017

Signed: 9/23/2017 05:01 PM

  
\_\_\_\_\_  
Judge

### CLERK'S CERTIFICATE OF MAILING

I hereby certify that on 09/25/2017, I served the foregoing document upon the following attorneys, persons and agencies at the addresses listed below.

Ransom J. Bailey  
Ada County Public Defender  
200 W. Front St. Rm 1107  
Boise, ID 83702

☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
[public.defender@adacounty.id.gov](mailto:public.defender@adacounty.id.gov)

Brett B. Judd  
Deputy Prosecuting Attorney  
200 W. Front St. Rm 3191  
Boise, ID 83702

☐ U.S. Mail, postage prepaid  
☐ Facsimile  
☒ Email  
[acpocourtdocs@adaweb.net](mailto:acpocourtdocs@adaweb.net)

**CHRISTOPHER D. RICH**  
Ada County Clerk of the Court

Signed: 9/25/2017 08:51 AM

\_\_\_\_\_  
Deputy Clerk





NO. 812 FILED  
A.M. 8:12 P.M.

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant-Appellant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Boise, Idaho 83702  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

OCT 03 2017

CHRISTOPHER D. RICH, Clerk  
By BRENDA RUCKDASHEL  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ROBERT RAY FERGUSON,

Defendant-Appellant.

Case No. CR-01-17-2856

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK  
OF THE ABOVE-ENTITLED COURT.

**NOTICE IS HEREBY GIVEN THAT:**

- 1) The above-named Appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction and Commitment entered against him in the above-entitled action on July 10, 2017, the Honorable Melissa Moody, District Judge presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under, and pursuant to, IAR 11(c)(1-10).
- 3) A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal is:
  - a) Did the District Court abuse its discretion by denying Defendant's motion filed under ICR 35 Motion to Reconsider sentencing?
- 4) There is a portion of the record that is sealed. That portion of the record that is sealed is the pre-sentence investigation report (PSI).

NOTICE OF APPEAL

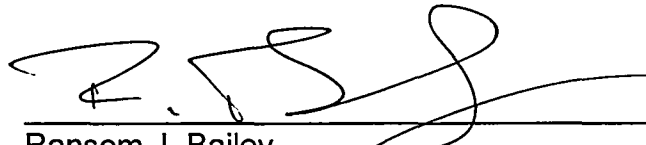
CR01-17-02856  
NOTA  
Notice of Appeal  
419668



000164

- 5) Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by IAR 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
- a) Sentence hearing held July 7, 2017 (Court Reporter: Tiffany Fisher, no estimation of pages are listed on the Register of Actions).
- 6) I certify:
- a) That a copy of this Notice of Appeal has been served on the Court Reporter(s), Tiffany Fisher.
  - b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent. (I.C. §§ 31-3220, 31-3220A, IAR 27(f)).
  - c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, IAR 23(a)(8)).
  - d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent (I.C. §§ 31-3220, 31-3220A, IAR 24(h)).
  - e) That service has been made upon all parties required to be served pursuant to IAR 20.

DATED this 2<sup>nd</sup> day of October 2017.



Ransom J. Bailey  
Attorney for Defendant

**CERTIFICATE OF MAILING**

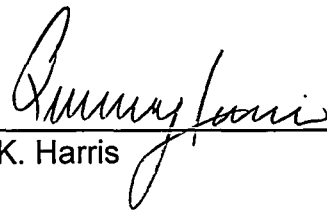
I HEREBY CERTIFY, that on this 2 day of October 2017, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General  
Criminal Division  
Joe R. Williams Bldg., 4<sup>th</sup> Flr.  
Statehouse Mail

Office of the State Appellate Public Defender  
322 E. Front Street, Ste 570  
Boise, ID 83702

Tiffany Fisher  
Court Reporter  
Interdepartmental Mail

Brett B. Judd  
Ada County Prosecutor's Office  
Interdepartmental Mail

  
\_\_\_\_\_  
Quincy K. Harris

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475  
Deputy Public Defender  
200 West Front Street, Suite 1107  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

Signed: 10/11/2017 08:11 AM

mm

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
Plaintiff,

vs.


ROBERT RAY FERGUSON,  
Defendant.

Case No. CR01-17-02856

MOTION FOR APPOINTMENT OF STATE  
APPELLATE PUBLIC DEFENDER

COMES NOW, Robert Ray Ferguson, the above-named Defendant, by and through counsel, Ransom J. Bailey, of the Ada County Public Defender's office, and moves this Court appointing a State Appellate Public Defender. State Appellate Public Defender shall be appointed to represent Defendant in all matters pertaining to the direct appeal.

DATED October 05, 2017.



Ransom J. Bailey  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on October 05, 2017, I served a true and correct copy of the within instrument to the Ada County Prosecutor.



Quincy Harris

FILED By:                      Deputy Clerk  
 Fourth Judicial District, Ada County  
 CHRISTOPHER D. RICH, Clerk

ADA COUNTY PUBLIC DEFENDER  
 Attorney for Defendant  
 RANSOM J. BAILEY, ISB #6475  
 Deputy Public Defender  
 200 West Front Street, Suite 1107  
 Telephone: (208) 287-7400  
 Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ROBERT RAY FERGUSON,

Defendant.

Case No. CR01-17-02856

ORDER APPOINTING STATE  
 APPELLATE PUBLIC DEFENDER ON  
 DIRECT APPEAL

Defendant has elected to pursue a direct appeal in the above-entitled matter. Defendant, being indigent and having heretofore been represented by the Ada County Public Defender in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent Defendant in all matters pertaining to the direct appeal.

ORDERED: October 11, 2017

Signed: 10/11/2017 08:11 AM

M. Moody  
 Melissa Moody  
 District Judge

CERTIFICATE OF SERVICE  
 10/12/2017

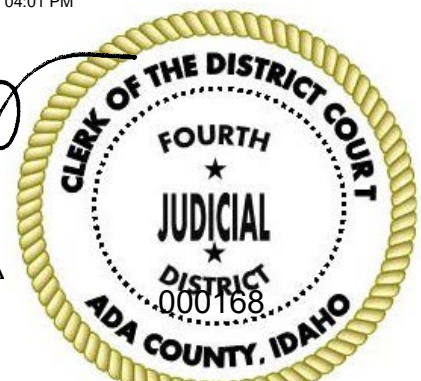
I HEREBY CERTIFY that on \_\_\_\_\_, I served a true and correct electronic copy to:

Ada County Prosecutor	acpocourtdocs@adaweb.net
Ada County Public Defender	public.defender@adacounty.id.gov
State Appellate Public Defender	documents@sapd.state.id.us
Attorney General	ecf@ag.idaho.gov

**CHRISTOPHER D. RICH**

Ada County Clerk of the Court

Deputy Clerk



ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER ON DIRECT APPEAL

TO: Clerk of the Court  
Idaho Supreme Court  
451 West State Street  
Boise, Idaho 83720  
(208) 334-2616

NO. \_\_\_\_\_  
A.M. \_\_\_\_\_  
FILED P.M. 1:44  
NOV 15 2017  
CHRISTOPHER D. RICH, Clerk  
By KELLE WEGENER  
DEPUTY

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

----- x Docket No. 45271  
:  
STATE OF IDAHO, :  
:  
Plaintiff-Respondent, :  
:  
vs. :  
:  
ROBERT RAY FERGUSON, :  
:  
Defendant-Appellant. :  
----- x

**NOTICE OF TRANSCRIPT OF 364 PAGES LODGED**

Appealed from the District Court of the Fourth Judicial  
District of the State of Idaho, in and for the County of Ada,  
Honorable Melissa Moody, District Court Judge.

**This transcript contains:**

05-05-17 Motion in Limine Hearing  
05-19-17 Pretrial Conference Hearing  
05-30-17 Jury Trial, Day 1  
05-31-17 Jury Trial, Day 2  
07-07-17 Sentencing Hearing

DATE: November 6, 2017



Tiffany Fisher, Official Court Reporter  
Official Court Reporter,  
Judge Melissa Moody  
Ada County Courthouse  
Idaho Certified Shorthand Reporter No. 979  
Registered Professional Reporter

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
  
Plaintiff-Respondent,  
vs.  
ROBERT RAY FERGUSON,  
  
Defendant-Appellant.

Supreme Court Case No. 45271

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

That the attached list of exhibits is a true and accurate copy of the exhibits being forwarded to the Supreme Court on Appeal.

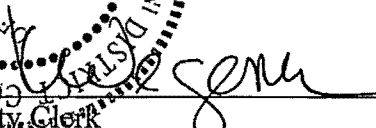
I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Presentence Investigation Documents.

I FURTHER CERTIFY, that the following documents will be submitted as EXHIBITS to the Record:

1. Transcript of Preliminary Hearing held February 17, 2017, Boise, Idaho, filed April 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 16th day of November, 2017.

CHRYSTOPHER D. RICH  
Clerk of the District Court  
By   
Deputy Clerk



**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JUDGE MELISSA MOODY  
Deputy Clerk: Anna Meyer  
Court Reporter: Tiffany Fisher  
Type of Hearing: Jury Trial

MAY 30-31, 2017

STATE OF IDAHO,  
Plaintiff,

vs.

ROBERT FERGUSON,  
Defendant.

Case No. CR01-2017-02856

**EXHIBIT LIST**

**Appearances:**

Brett Judd  
Ransom Bailey

Counsel for Plaintiff  
- Counsel for Defendant

BY	NO.	DESCRIPTION	STATUS	DATE
State	1	Photo of room	ADMIT	05/30/17
State	2	Photo of room with beer can in trash	ADMIT	05/30/17
State	3	Photo of wire used to strangle victim	ADMIT	05/30/17
State	4	Photo close up of victim's neck from side	ADMIT	05/30/17
State	5	Photo of injury to victim's neck from front	ADMIT	05/30/17
State	6	Wire used to strangle victim (returned to State- will be substituted with photo)	ADMIT	05/30/17
State	7	Audio CD of Jail Calls	ADMIT	05/31/17
State	8	Audio CD of interview with Det. Ransom	ADMIT	05/31/17
State	9	Photo of defendant's neck from front	ADMIT	05/31/17
State	10	Photo of defendant's neck from side - close up	ADMIT	05/31/17
Defendant	A	Photo of injury to defendant's arm	ADMIT	05/31/17
Defendant	B	Photo of injury to defendant's neck	ADMIT	05/31/17
Court	1	Documents used in closing argument by the State	ADMIT	05/31/17
Court	2	Jury Question and Answer	ADMIT	05/31/17
Court	3	Prior felony Judgments of Conviction	ADMIT	05/31/17



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,  
  
Plaintiff-Respondent,  
vs.  
ROBERT RAY FERGUSON,  
  
Defendant-Appellant.

Supreme Court Case No. 45271

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

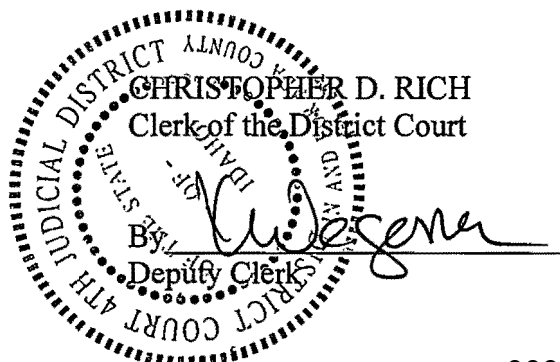
CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER  
  
ATTORNEY FOR APPELLANT  
  
BOISE, IDAHO

LAWRENCE G. WASDEN  
  
ATTORNEY FOR RESPONDENT  
  
BOISE, IDAHO

Date of Service: NOV 16 2017



CERTIFICATE OF SERVICE

000172

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ROBERT RAY FERGUSON,

Defendant-Appellant.

Supreme Court Case No. 45271

CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 3rd day of October, 2017.



CERTIFICATE TO RECORD

000173